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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California  
corporation,

Plaintiff,  
v.

RAPIDSHARE A.G., a corporation;  
CHRISTIAN SCHMID; BOBBY  
CHANG; and DOES 1 through 100,  
inclusive,

Defendants.

CASE NO. 09 CV 2596 H (WMC)

**DECLARATION OF DR. NORMAN  
ZADA IN SUPPORT OF PERFECT  
10'S MOTION FOR PRELIMINARY  
INJUNCTION AGAINST  
DEFENDANTS RAPIDSHARE A.G.,  
CHRISTIAN SCHMID, AND BOBBY  
CHANG**

DATE: May 12, 2010

TIME: 1:30 p.m.

CTRM: 13

JUDGE: Hon. Marilyn L. Huff

Demand for Jury Trial

Discovery Cut-Off Date: None Set

Pretrial Conference Date: None Set

Trial Date: None Set

**DECLARATION OF DR. NORMAN ZADA**

I, Norman Zada, declare as follows:

1. I make this declaration in support of Perfect 10's motion for preliminary injunction. Except where otherwise stated, I have direct and personal knowledge of the facts set forth herein and, if called as a witness, could and would competently testify thereto. I have spent at least 100 hours downloading Perfect 10 copyrighted images ("P10 Images") using Rapidshare, and investigating Rapidshare affiliates. In case the Court wishes to make a determination as to whether Perfect 10 owns valid copyrights, I will occasionally refer, for illustrative purposes, to a sample of 12 images (*"The Sample"*) which are described in the Declaration of Melanie Poblete (*"Poblete Decl."*), as well as in this declaration. A copy of each image in "The Sample" is contained in Exhibit 11 (the disk), along with information for each image, including the copyright registration and deposit material that covers each of the images. Perfect 10 owns the copyright for each of the 12 images in The Sample. The deposit material for each of the twelve sample images consists of the complete Perfect 10 magazine in which that image appeared. I have included in Exhibit 11 (the disk) in a subfolder of "The Sample" folder, labeled "Other copyright certificates," certificates obtained from the Copyright Office which cover many other images appearing in exhibits attached to this declaration. Those certificates cover each and every Perfect 10 Magazine, the Perfect 10 website, and many other registrations. I have also included in Exhibit 11, in a subfolder of "The Sample" folder, labeled "Other Deposit Materials," all of the other deposit materials covering each Perfect 10 copyrighted image in each issue of Perfect 10 Magazine. So in total, I have attached to this declaration deposit materials which cover at least 4,000 P10 Images. I have also included work for hire and/or assignment of rights agreements in "The Sample" folder, in a subfolder entitled "Work Made for Hires and AoRs." In total, Perfect 10's deposit materials at the Copyright Office are very massive and would require a large number of DVDs to be filed with the Court. Should the Court wish to see more such deposits, they will be made available at the

1 Court's request. Whenever I refer to an image as a P10 Image, that means Perfect 10  
2 owns the copyright for that image.

3 **PROFESSIONAL BACKGROUND AND WORK DONE FOR THIS**  
4 **DECLARATION**

5 2. I am President of Plaintiff Perfect 10, Inc. ("Perfect 10"). After receiving  
6 a Ph.D. in Operations Research from the University of California at Berkeley, I  
7 worked as a research staff member in the main computer science department at IBM,  
8 and subsequently taught as a visiting professor in the area of applied mathematics at  
9 Stanford University, UCLA, Columbia University, and UC Irvine. I have programmed  
10 computers for at least twenty years. I have been involved in every aspect of this case  
11 and, if called as a witness, could and would competently testify thereto.

12 3. The Exhibits attached hereto, except where otherwise noted, fall into one  
13 of the following categories: (a) true and correct copies of documents that I have  
14 downloaded as Adobe PDF files from the Internet – I have personally downloaded  
15 each and every one of the Adobe files attached to this declaration as printed exhibits;  
16 (b) true and correct copies of snapshots of my computer screen, which I captured using  
17 the program "snagit;" c) true and correct copies of DMCA notices that I sent to  
18 Rapidshare; (d) true and correct copies of a translation that I ordered and paid for of a  
19 German Court decision; (e) true and correct copies of files that contain deposit  
20 materials and copyright certificates for P10 Images, registered with the U.S. Copyright  
21 Office; and (f) true and correct copies of Work Made for Hire/Assignment of Rights  
22 Agreements between Perfect 10 and the photographers for images in "The Sample," as  
23 well as most Perfect 10 Images. Exhibits reflecting dates contain the correct date the  
24 document was downloaded, captured and/or saved, and, when applicable, the URL of  
25 the webpage. I have added green check marks or highlighting to some exhibits so that  
26 the Court may more readily locate relevant information contained in those exhibits. I  
27 will use the terms "P10" and "Perfect 10" interchangeably to denote Perfect 10  
28 copyrighted images.

1           4. Perfect 10 owns the copyrights for all of the P10 Images described as such  
2 in this declaration, including the 12 P10 Images that will be used as a sample for  
3 Perfect 10's motion. During the last 14 years, Perfect 10 has created more than  
4 20,000 copyrighted photographs of female models and has purchased additional  
5 images, at a cost of millions of dollars. Perfect 10 owns the copyrights for more than  
6 48,000 images, in total. Perfect 10 also owns registered trademarks for "Perfect 10"  
7 and for "P10." Perfect 10 derives all of its revenue, directly or indirectly, from its  
8 images. From 1997 through June 2007, Perfect 10 published the well-known  
9 magazine "PERFECT 10." The magazine contains high-quality, nude or partially nude  
10 photographs, of beautiful "natural" models such as Sports Illustrated swimsuit cover  
11 model/Victoria's Secret model Marisa Miller. After losing more than \$50 million  
12 because of rampant infringement, Perfect 10 was forced to cease production of its  
13 flagship magazine in June 2007 and lay off key employees. Perfect 10 continues to  
14 sell back issues of its magazine and run its website, [www.perfect10.com](http://www.perfect10.com). Consumers  
15 may view more than 20,000 Perfect 10 Images as well as several videos on the website  
16 through an individual, confidential password by paying a monthly fee of \$25.50. The  
17 images are arranged alphabetically by model name so that the images of any particular  
18 model can be readily located. Perfect 10's revenues have declined from close to  
19 \$2,000,000 a year to less than \$150,000 a year. Perfect 10 is very close to bankruptcy.  
20 The success of Perfect 10's business is entirely dependent on its intellectual property.  
21 Perfect 10 simply cannot compete with Rapidshare, which sells access to billions of  
22 dollars of pirated full-length movies, songs, computer programs, and images (including  
23 Perfect 10's Images), for as little as \$10 a month.

#### 24 **RAPIDSHARE HAS INFRINGED AT LEAST 43,000 P10 IMAGES**

25           5. I have personally downloaded from Rapidshare at least 26,000 P10  
26 Images, which was the number Perfect 10 used when it filed its complaint against  
27 Rapidshare, as well as portions of Perfect 10 videos. In March of 2010, Perfect 10 has  
28 downloaded at least 17,000 additional full-size P10 Images from [rapidshare.com](http://rapidshare.com).

1 There are a variety of ways by which a user can download images from Rapidshare,  
2 after paying Rapidshare a fee to become a member.

3 6. Attached as Exhibit 1 is a demonstration of one way to find and download  
4 Perfect 10 images from Rapidshare by performing a Google search on the model's  
5 name. Page 1 of Exhibit 1 shows the first page of the results of a Google search that I  
6 conducted on March 10, 2010 for "Lisa Fuxler," a Perfect 10 model, who has also  
7 modeled for Giorgio Armani. I have placed a green check mark by the third result. I  
8 have highlighted the mention of rapidshare.com in that listing. Page 2 of Exhibit 1 is  
9 the result I obtained by clicking on that search result, which I printed from the website  
10 filestube.com on March 10, 2010. Page 3 of Exhibit 1 is the result I obtained by  
11 clicking on the checked link on page 2. Page 3 shows the file named  
12 "[http://rapidshare.com/files/81597199/Lisa\\_Fuxler\\_Perfect\\_10\\_8px\\_-](http://rapidshare.com/files/81597199/Lisa_Fuxler_Perfect_10_8px_-_Model_for_Armani.zip)  
13 [\\_Model\\_for\\_Armani.zip](http://rapidshare.com/files/81597199/Lisa_Fuxler_Perfect_10_8px_-_Model_for_Armani.zip)" offered by Rapidshare for downloading to premium users.  
14 Because I had already paid Rapidshare to become a "Premium user" I simply clicked  
15 on the link that I have check marked on page 3, labeled "Premium user." Although  
16 Rapidshare claims to offer a free option, my experience is that it either doesn't work at  
17 all or is so slow that it cannot be used. I obtained page 4 of Exhibit 1 by clicking on  
18 the checked link shown on page 3. Once I clicked on the checked download option on  
19 page 4, I was able to download 8 full-size Perfect 10 copyrighted images of Lisa  
20 Fuxler. On page 5 of Exhibit 1, the box on the right shows that download (marked  
21 with a green check), along with some of my other downloads, and the date they  
22 occurred. The Lisa Fuxler download was done at 1:21 PM on March 10, 2010. I had  
23 done some other downloads, listed below that download, a few days earlier. The box  
24 on the left shows what was in the Lisa Fuxler download I obtained from Rapidshare.  
25 By clicking on the check marked "extract" option, I was able to unzip those files and  
26 download the full size images into the location of my choice on my computer. I have  
27 included as page 6 of Exhibit 1, one of the images that I was able to download of Lisa  
28 Fuxler in this fashion which is included in "The Sample." Rapidshare is not authorized

1 to distribute, display, sell or use Perfect 10's copyrighted images in any way. (Perfect  
2 10 has placed redaction banners over portions of the full-size images it has filed as  
3 attachments to this declaration to discourage unauthorized reproduction of such images  
4 from Pacer. Those redactions do not appear in the full-size images that Rapidshare  
5 provides to its users.) Rapidshare has an affiliate program. I have attached as pages  
6 7-9 of Exhibit 1 information describing that program which I printed from  
7 rapidshare.com on October 28, 2009. On page 8 of Exhibit 1, it states, "Rapidshare  
8 now offers you an affiliate program through which you can earn hard cash....As soon  
9 as someone buys a Premium Account from the download page of a file you have  
10 uploaded, ReferrerPoints will be credited to your account. You can cash out the  
11 ReferrerPoints at an exchange rate which is also shown in the Premium and Collector's  
12 Zone." On page 9 of Exhibit 1 it states, "... that means, you will be credited 22,60  
13 Euro for a one year Premium Account that you have referred! As if this were not  
14 enough, you also get Premium-RapidPoints when Premium customers download your  
15 files." Based on this description, filestube.com receives payment from Rapidshare for,  
16 at the minimum, referring traffic to Rapidshare.

17 7. Once the user has located a Rapidshare search engine (and there are many  
18 of them), the user can just go directly to that search engine and perform searches on  
19 Perfect 10 model names, or on "Perfect 10 Magazine" there. Attached as pages 1-4 of  
20 Exhibit 2 are some of the results I obtained by doing the search "Perfect 10 Magazine"  
21 on the Rapidshare search engine filestube.com. The search term that I used appears in  
22 the search box at the top of each page. I was able to download Perfect 10 images as  
23 shown by clicking on the various Rapidshare download links that were offered. I have  
24 highlighted one such link on page 1 of Exhibit 2. By clicking on that link, I was able  
25 to download 8 full-size P10 Images of Isabelle Funaro, one of Perfect 10's top models.  
26 I have included as page 5 of Exhibit 2 a Perfect 10 copyrighted image of Isabelle  
27 Funaro that I downloaded on March 11, 2010 from Rapidshare, using the highlighted  
28 link on page 1 of Exhibit 2. This image is one of the 12 Sample Images.



1           8. Attached as Exhibit 3 is a print-screen of the listings on  
2 www.copyright.gov, the website of the U.S. Copyright Office, of service providers  
3 registered with the U.S. Copyright Office as of March 9, 2010. As the exhibit shows,  
4 there was no listing for Rapidshare.

5           9. Attached as page 1 of Exhibit 4 is a WHOIS report for Rapidshare that I  
6 used to find Rapidshare's physical address to send it a notice of infringement. It lists  
7 Christian Schmid as the registered owner of the domain rapidshare.com, with an  
8 address of Rapidshare AG, Gewerbestrasse 6, Cham 6330, and phone number 41-41-  
9 7487888. In my experience, if Mr. Schmid were not the registered owner, the  
10 registered owner would be listed as Rapidshare A.G., not as Mr. Schmid. Mr. Schmidt  
11 is also listed as the technical and administrative contact. Attached as page 2 of Exhibit  
12 4 is a copy of the textual part of that notice, which I sent to Rapidshare and Christian  
13 Schmid by Federal Express. Page 3 is a print screen of the folders on a disk that I  
14 included as part of the notice. In each folder were P10 Images of the model whose  
15 name appears on the folder that I had downloaded from Rapidshare. Page 4 is the  
16 Federal Express label that I used. Page 5 shows that Perfect 10's notice was received  
17 and signed for by an F. AGGARWAL on May 29, 2009, as I have highlighted in  
18 yellow.

19           10. Attached as Exhibit 5 are print screens that I made on March 11, 2010, of  
20 some of the full-size images that were included in Perfect 10's May 27, 2009 notice to  
21 Rapidshare. The images appear to look like thumbnails on my computer screen, but  
22 they were sent as full-size images. I have placed all of the 824 P10 Images, that were  
23 included in the notice into Exhibit 11 (the disk) in a folder labeled "P10 Images  
24 included in DMCA notice" for full-size viewing if the Court would like to further  
25 examine the images sent.

26           11. Perfect 10 was able to download at least 17,000 full-size Perfect 10  
27 copyrighted images from Rapidshare on or after March 5, 2010, over 9 months after  
28 the May 27, 2009 notice was sent. Attached as pages 1-3 of Exhibit 6 are print screens

1 of model folders for some of the images Perfect 10 downloaded in March of 2010,  
2 which match the images I sent to Rapidshare in Perfect 10's May 27, 2009 notice.  
3 Attached as pages 4-6 are full-size versions of some of the images that were included  
4 in the notice, that Rapidshare still has not removed. Attached as pages 7-16 of Exhibit  
5 6 are additional full-size P10 Images that Perfect 10 downloaded from Rapidshare in  
6 March 2010 that are all from "The Sample." I have included in Exhibit 11 (the disk),  
7 copies of more than 2,390 full-size P10 Images that Perfect 10 downloaded from  
8 Rapidshare in March of 2010, in a folder labeled "Downloaded from Rapidshare in  
9 March of 2010." Almost all of those images display Perfect 10 copyright notices. An  
10 "sc" by the file name means that the images were downloaded by Sheena Chou under  
11 my direction. If there is no "sc," I personally downloaded those images. I have placed  
12 in Exhibit 11, in a folder labeled "Evidence of downloads," print screens of my actual  
13 downloading of a number of those P10 Images from Rapidshare.

14 12. Attached as pages 1-4 of Exhibit 7 are the results of searches that I  
15 performed on google.com on March 12, 2010. I obtained page 1 by doing a search on  
16 google.com by putting [avatar rapidshare.com] in the Google search box and pressing  
17 "enter." At the top it says, "Results 1-100 of about 32,300,000 for avatar  
18 rapidshare.com." I have highlighted the third search result, where it says, "James  
19 Camerons Avatar rapidshare.com Download." I have examined a number of those  
20 results and in every case, there were rapidshare links offered for downloading the  
21 movie in question. I obtained page 2 of Exhibit 7 by doing the Google search:  
22 [Beatles rapidshare.com]. The first result says "Download the Beatles." I obtained  
23 page 3 of Exhibit 7 by doing the Google search: [Windows 7 rapidshare.com]. The  
24 first result says "Download Windows 7 Rapidshare." I obtained page 4 by doing the  
25 Google search: [Maxim Magazine rapidshare.com]. The first result says "maxim  
26 magazine download." Attached as pages 5-6 of Exhibit 7 is a spreadsheet that was  
27 created under my direction. It lists the number of Google search results for various  
28 Google searches performed in March 2010 for various famous movie titles and the



1 term “rapidshare.com,” similar to the [avatar rapidshare.com] search that I used to  
2 obtain page 1 of Exhibit 7. Attached as page 7 of Exhibit 7 is a spreadsheet that was  
3 created under my direction that was obtained by performing various Google searches  
4 in March 2010 for various television shows and the term “rapidshare.com.” Attached  
5 as pages 8-9 of Exhibit 7 is a spreadsheet that was created under my supervision that  
6 was obtained in March 2010 by performing various Google searches for various  
7 musical artists or singers and the term “rapidshare.com”. For example, the first entry  
8 on page 9 was obtained by performing the Google search: [“Michael Jackson”  
9 rapidshare.com]. I have examined a number of the search results and in every case,  
10 there were rapidshare links offered to download one or more songs sung by Michael  
11 Jackson.

12 13. Attached as Exhibit 8 is a true and correct copy of the ruling of Judge  
13 Maxine M. Chesney of the U.S. District Court for the Northern District of California,  
14 granting Perfect 10 partial summary judgment against Guba, LLC. filed on December  
15 30, 2002 (Case No. C02-2842 MMC). Guba LLC was similar to Rapidshare, in that it  
16 sold access to Perfect 10 copyrighted images. Page 1 of Exhibit 8 states, “It is  
17 undisputed that images of 332 photographs in which Perfect 10 owns copyrights were  
18 found on GUBA’s internet website www.guba.com, on May 31, 2002.” I have added  
19 the yellow highlighting for ease of reference. In contrast, Rapidshare has copied and  
20 sold at least 43,000 copies of P10 Images, of which at least 26,000 are distinct.

21 14. Attached as page 1 of Exhibit 9 is an article that I printed from the Los  
22 Angeles Times website, latimes.com, on March 26, 2010. It is entitled “German court  
23 throws the book at RapidShare.” Further down on the page, it states that “Rapidshare  
24 accounted for 36% of the 53,000 takedown notices issued by publishers between July  
25 and December, according to a study by Attributor, a content monitoring consulting  
26 service based in Redwood City, Calif. The site attracts more than 42 million visitors a  
27 day, representing just under 3% of the world’s Internet users, according to Web traffic  
28 tracker Alexa Internet.” Attached as pages 2-3 of Exhibit 9 is an article that I printed

1 from whatisrapidshare.com on November 1, 2008. It states, “every movie, every  
2 song... you can find on the Rapidshare servers.” At the end it states, “You will never  
3 ever buy another program, game, or music album ever again.” Attached as page 4 of  
4 Exhibit 9 is an article that I printed from afterdawn.com on February 16, 2010. Near  
5 the top it says, “The court apparently disagreed and said that the site was used mainly  
6 for illegal activities and that the company generates ‘substantial’ monthly revenue  
7 from those illegal activities.” I have attached as pages 5-6 of Exhibit 9 an article dated  
8 October 1, 2008 that I printed from the website zeropaid.com on April 8, 2010. It  
9 states “The court also ruled that Rapidshare cannot argue that it is impossible to stay in  
10 business if it would have to check every single file. ‘A business model that doesn’t use  
11 common methods of prevention cannot claim the protection of the law’, the decision  
12 reads.” Attached as pages 7-8 of Exhibit 9 are two pages from a 38 page English  
13 translation of a German appeals court ruling that I paid to have translated. I have  
14 included the entire ruling in Exhibit 11 (the disk) in a folder labeled “Translation of  
15 German Appeals Court Ruling.” Attached as page 9 of Exhibit 9 is a document that I  
16 printed from the website rapidshare.de. It states, “This project has been created and is  
17 maintained by Rapidtec Christian Schmid.” Rapidshare.de is similar to rapidshare.com  
18 and has infringed thousands of full-size P10 Images. Attached as page 10 of Exhibit 9  
19 is a print-screen of a “who is” report for rapidshare.de that I printed from  
20 domaintools.com on April 5, 2010. This report lists Mr. Schmid as the registered  
21 owner and sole contact. (In my experience, if Mr. Schmid were not the registered  
22 owner and it were instead RapidTec, then RapidTec would be listed as the registered  
23 owner and not Mr. Schmid.) Attached as pages 11-13 of Exhibit 9 are additional  
24 articles regarding Rapidshare. Page 11 states, “RapidShare is owned by Christian  
25 Schmid of Germany. The site, by many accounts, is considered one of the largest  
26 resources for stolen motion-picture files, software, music, games and adult photos and  
27 videos.” Page 12 states, “The founder of Rapidshare, Christian Schmid, stays in the  
28 background. The current CEO of the company is Bobby Chang.” I have added the

1 yellow highlighting in Exhibit 9.

2 15. Perfect 10 is not the only copyright holder that is attempting to stop the  
3 massive infringement taking place on Rapidshare. Attached as page 1 of Exhibit 10 is  
4 the first page of the results I obtained on March 30, 2010 when I did a search on  
5 chillingeffects.org for "rapidshare." Chillingeffects.org publishes DMCA notices that  
6 various copyright holders send, primarily to Google. To my knowledge, Rapidshare  
7 does not publish on chillingeffects.org any notices which it receives directly. At the  
8 top, I have placed a green check-mark where it says "237 results." Attached as pages  
9 2-5 are a portion of one such notice that I obtained from chillingeffects.org. The notice  
10 was from Titan Media to Google, and complained about Google search results linking  
11 to infringing content. In Exhibit 10, I have highlighted a number of instances where  
12 the complaint identifies infringing content offered by rapidshare.com. Attached as  
13 pages 6-9 of Exhibit 10 are a portion of a notice from Hachette Book Group to Google,  
14 which similarly complains about infringements on the website rapidshare.com.  
15 Attached as pages 10-12 of Exhibit 10 are pages from a notice from Stones Throw  
16 Records to Google. I have again highlighted several instances where the copyright  
17 holder complains about Google linking to infringing content offered by  
18 rapidshare.com. I have attached as pages 13-25 of Exhibit 10, a portion of two  
19 separate notices which Twentieth Century Fox sent to Google, which complained  
20 about infringements offered by Rapidshare affiliates. I have highlighted some of those  
21 affiliates, including filestube.com, which offers Rapidshare links for downloading  
22 Perfect 10 copyrighted images. See Exhibit 1, page 2.

23 I declare under penalty of perjury under the laws of the United States of  
24 America that the foregoing is true and correct to the best of my knowledge. Executed  
25 this 11th day of April 2010 in Los Angeles County, California.

26   
27 \_\_\_\_\_  
28 NORMAN ZADA

**TABLE OF EXHIBITS**

1. Exhibit 1: About RapidShare
2. Exhibit 2: Using a RapidShare Search Engine
3. Exhibit 3: Copyright Office DMCA Agent Listings
4. Exhibit 4: Perfect 10's DMCA Notice to RapidShare
5. Exhibit 5: Perfect 10 Images in Perfect 10's DMCA Notice to RapidShare
6. Exhibit 6: Perfect 10 Images Downloaded From RapidShare in March 2010
7. Exhibit 7: Movies and Songs Offered by RapidShare
8. Exhibit 8: Ruling Re Summary Judgment in Perfect 10, Inc. v. Guba, LLC.
9. Exhibit 9: German Court RapidShare Rulings
10. Exhibit 10: Third Party DMCA Notices Regarding RapidShare
11. Exhibit 11: A Disk (Filed Separately)

# Exhibit 1



"Lisa Fuxler"

Search

[Advanced Search](#)

Web [+ Show options...](#)

Results **1 - 100** of about **28,000** for **"Lisa Fuxler"**. (0.33 seconds)

Image results for **"Lisa Fuxler"** - [Report images](#)



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[Lisa Fuxler Perfect 10 8px Model for Armani - Download from ...](#)

File: **Lisa Fuxler** Perfect 10 8px Model for Armani [download, from: rapidshare.com](#) , size:

373 KB, date: 2009-01-27 15:37:27 - [FilesTube.com](#), [Rapidshare Files](#).

[www.filestube.com/.../Lisa-Fuxler-Perfect-10-8px-Model-for-Armani.html](http://www.filestube.com/.../Lisa-Fuxler-Perfect-10-8px-Model-for-Armani.html) - [Cached](#)

[lisa fuxler - Rapidshare Search - \(2 files\)](#)

**lisa fuxler** download on rapidshare search engine -**Lisa Fuxler** ,**Lisa Fuxler** Perfect 10 8px Model for Armani , [Rapidshare Files](#).

[www.filestube.com/l/lisa+fuxler](http://www.filestube.com/l/lisa+fuxler) - [Cached](#)

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[CelebsParty.com - Lisa Fuxler](#)

photos movies **Lisa Fuxler** nude secret paparazzi. ... Directory: Home > Secret archive >

Models > **Lisa Fuxler** >. Page 1 of 1, Page: [1], Total Files: 7 ...

[www.celebsparty.com/index.cgi?c=show...;p.../Lisa\\_Fuxler](http://www.celebsparty.com/index.cgi?c=show...;p.../Lisa_Fuxler) - [Cached](#) - [Similar](#)



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Free user



Premium user



Do you want to send your files with ease and speed? You can find out how to do that [here](#).

### New Account

1. Select your account
2. Payment options
3. Activation

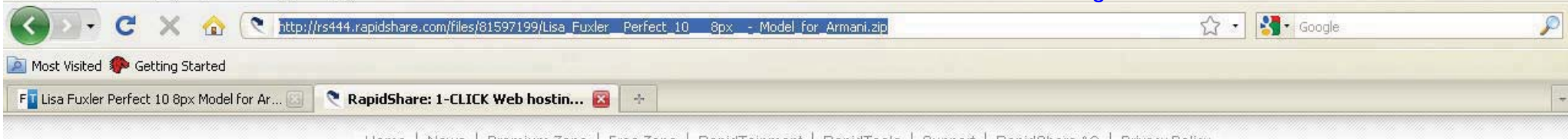
#### Now choose your new Premium Account

**Warning, you are already logged in. Do you really want to purchase a new premium account?**  
[Please click here, in order to extend your existing premium account.](#)

- ✓ No waiting time before downloading
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Exh. 1, Pg. 3



Home | News | Premium Zone | Free Zone | RapidTainment | RapidTools | Support | RapidShare AG | Privacy Policy



Premium Zone | Settings | Remote Uploads | View Logs | TrafficShare | Convert RapidPoints | Extend Account | New Premium Zone | Logout

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### Extended Download Settings



### Notice

Your Premium Account is valid until Sun, 11. Jul 2010.

Under [Settings](#) you can specify the download process. For instance, you have the option to store your files without being redirected to RapidShare. For this, activate option "Direct downloads".

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Exh. 1, Pg. 4



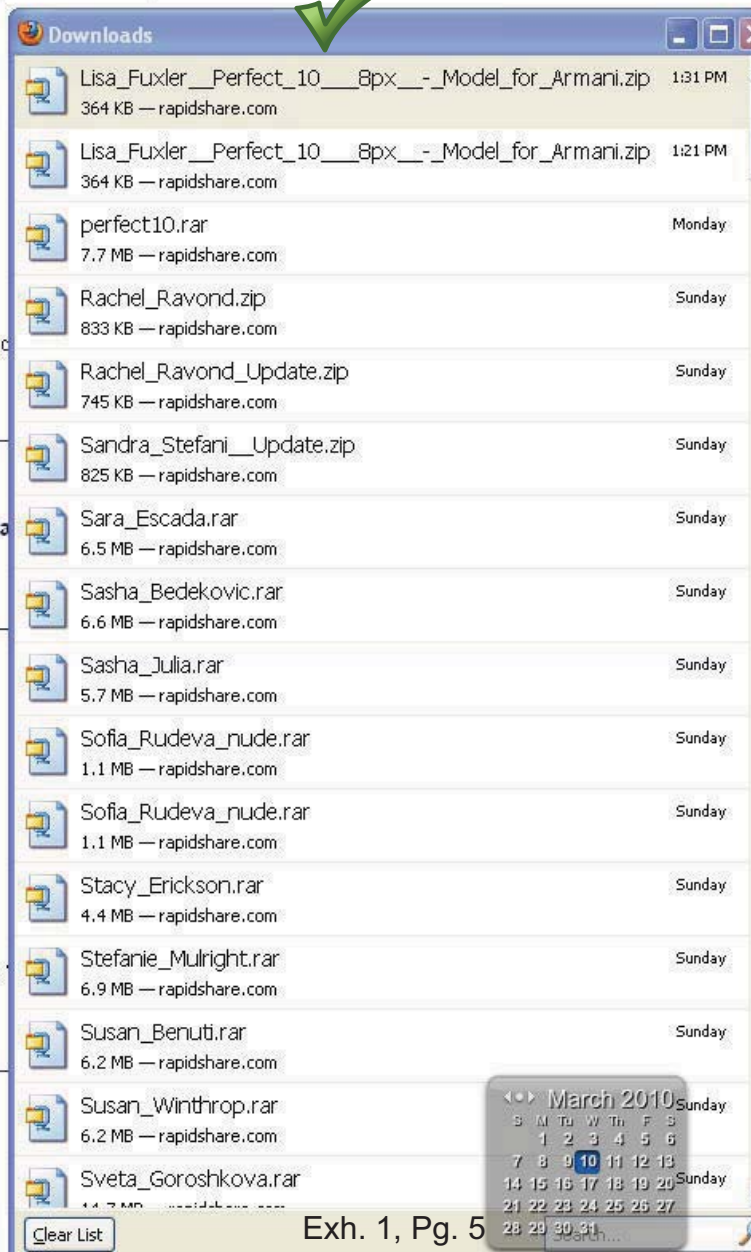
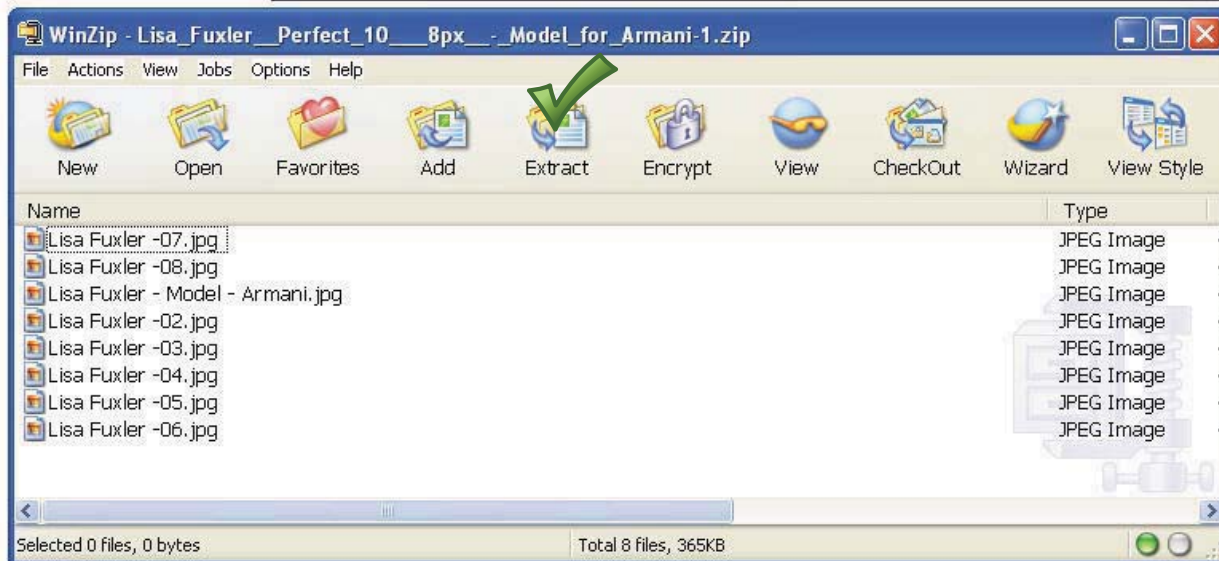


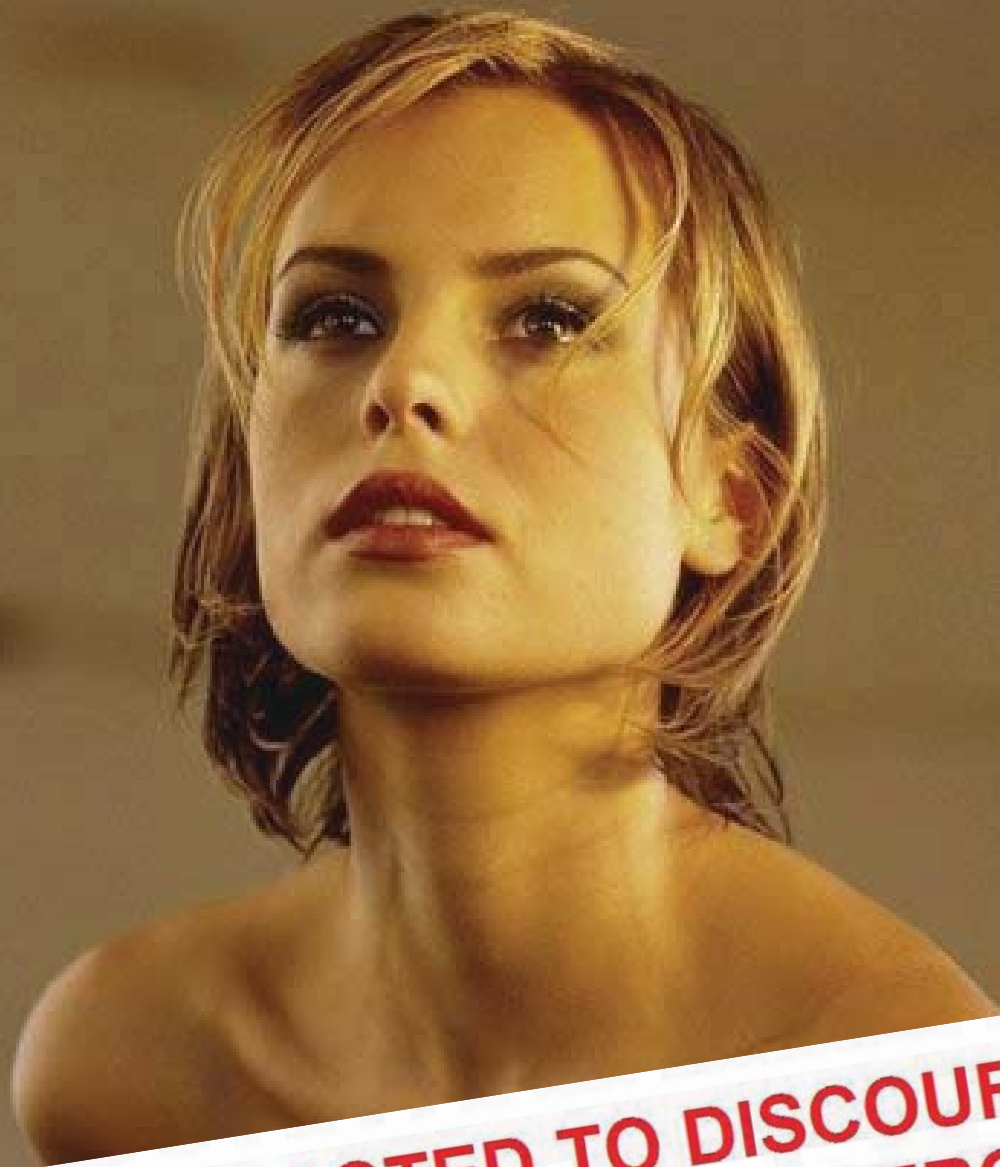
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Exh. 1, Pg. 6



## **RAPIDSHARE AG | ABOUT US**

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### Who we are

RapidShare, founded in 2006, is one of the biggest and fastest one-click file hosts in the world. Within a short time, we succeeded in rising to become the **twelfth most visited homepage** in the world, and the trend is still moving upwards.

We are a young enterprise with a motivated team. Each day we work towards making transfers of huge data volumes faster, simpler and more secure for our users and customers, whether from London to Berlin or to the Bahamas - we are available wherever the internet is.

With a storage capacity of **several petabytes** (a petabyte is a million gigabytes) and an internet connection that transfers hundreds of gigabytes simultaneously, RapidShare has the infrastructure required to meet high demands.

### What we do

#### **RapidShare**

With one-click hosting, our users can upload big files in one step and subsequently make them available to friends and family via the download link. The download link can only be accessed by the person who has stored the file. In this way, data is secured against unauthorised access. Apart from the free service, Premium Accounts for various time periods can be purchased. Matching our customer needs, Premium Accounts offer additional convenience. Additionally, TrafficShare provides the option to make files available for direct downloading. The recipient of the file can access it instantaneously even if he/she is not a Premium Account member of RapidShare.

#### **RapidGames**

In our entertainment area gamers can find the latest patches, demos and trailers to download.

### Media Contact

RapidShare AG, Corporate Communications

E-Mail: [press@rapidshare.com](mailto:press@rapidshare.com)



## Earn up to 20 Euro for gaining us a new customer!

June 15, 2009

RapidShare now offers you an **affiliate program** through which you can earn hard cash. Our affiliate program is not to be confused with other affiliate programs though. We will continue not to bother our customers with annoying pop up ads. It's also possible without that: a new one year account that is acquired today can earn you **20 Euro**. Any owner of a Premium or Collector's account can participate. There is no need for a complicated setup process either. Just have a look at your Premium or Collector's Zone - you might already have earned some Euros. **As soon as someone buys a Premium Account from the download page of a file you have uploaded, ReferrerPoints will be credited to your account. You can cash out the ReferrerPoints at an exchange rate which also is shown in the Premium and Collector's Zone. More information can be found in our [FAQ](#).**

## Congratulations!

June 08, 2009

Srishti A. from India is the lucky winner of our RapidShare Lottery. COO Bobby Chang will personally congratulate the 19-year-old and present her with the 50.000 EUR at the beginning of July. Pictures and more information will be published here.

Due to the big interest in our lottery, we have decided to additionally raffle 1000 x 10.000 RapidPoints among all participants. The winners will be notified by e-mail and the RapidPoints will automatically be given to the accounts that contained the winning tickets.

RapidShare customers from more than 60 countries have participated in the lottery. Until May 31 everybody had the possibility to exchange 50 RapidPoints for a lottery ticket to join in our big lottery. We want to thank all our users from all over the world for the enormous participation.

## Privacy Policy online

June 06, 2009

RapidShare is fast, easy and secure. You can experience "Fast" and "Easy" on our website every day. But how about "Secure"? What is happening to your data behind the scenes? Especially in today's world, which suffers from a "surveillance hype" in many places, that question becomes more and more important. Our support team also receives a lot of questions about data privacy, and quite a number of rumours are circulating on the internet. Therefore, we have set ourselves the goal of handling this topic as transparently as possible. After all, it is your right to know straight from the source what information we store and how we treat it. From now on, the navigation bar on top of each RapidShare page will show the link "Privacy Policy", under which the questions our customers ask about data privacy are answered in an easily understandable, yet legally binding way.

## File migrator can no longer be used for free

June 06, 2009

Our file migrator really is a useful tool. You can move one, several or even all your files from one account to another, even amongst different account types, within seconds. Unfortunately, that tool has been abused often in the past. That is why we now have to charge a fee for using it. From now on, using the file migrator will cost 500 RapidPoints, 250 of which will be subtracted from the source account and 250 from the destination account. Thus, we hope to contain improper usage of the file migrator. It is possible that we will have to restrict it further so it can be used only once per day. We would like to point out that the original purpose of that tool was to enable you of moving your files from a collector's account to a Premium account if you decide to become a Premium customer (or the other way around) - not for moving lots of files several times a day between several accounts.

## RapidShare Lottery deadline

June 01, 2009

What would you do or buy if you were the winner of 50.000 EUR in cash? A new car, new stereo equipment with high-tech speakers, the holiday of your dreams - the winner of the RapidShare Lottery will be happy about a suitcase full of money.



## NEWS

[1](#) | [2](#) | [3](#) | [4](#)

### Premium RapidPoints are becoming more valuable

September 14, 2009

When we changed the RapidPoints system on August 22, we have also increased the reward department's budget by a remarkable amount. And while the summer special, which allowed creating a new RapidShare account for only 1998 Free-RapidPoints, has ended today, the Premium-RapidPoints' exchange rate is steadily increasing.

Even we do not know when the peak will be reached. An autonomous system calculates the exchange rate using complex formulas that we have developed from the experiences and statistics of the last months. Of course, this means that the exchange rate might also decline in the future. Our goal was simply to make it possible for our customers to get the maximum out of the reward program, without taking an incalculable risk on our side. That goal has been achieved.

[Here you can get information about our reward program.](#) Currently, the exchange rate is 1,13 Euro for 1000 Premium-RapidPoints - that means, you will be credited 22,60 Euro for a one year Premium Account that you have referred! As if this were not enough, you also get Premium-RapidPoints when Premium customers download your files.

### RapidShare points system 2.0 [Update]

August 22, 2009

We have received a lot of feedback regarding our points and rewards system. We have now developed a new system, which will make valuable rewards possible for all our loyal customers and **partners**. We would like to thank all the customers who have contributed to this new system by providing their feedback and ideas!

Premium-RapidPoints will now be counted separately from the classical (Free-)RapidPoints. Premium-RapidPoints can be exchanged for Free-RapidPoints, but as an additional possibility, you will also be able to use them in place of the former "ReferrerPoints" in exchange for valuable rewards.

Your Premium-RapidPoints are shown in the Premium or Collector's Zone, as well as the conversion feature. API programmers can find the according functions in the [API documentation](#).

As a compensation for the waiting time until our new system has been finished, we are offering a great summer special: currently, you can create a 30-days Premium Account for only 1998 Free-RapidPoints!

#### **Update, August 24:**

In order to simplify the system, the currency "ReferrerPoints" has been removed. The news message has been updated accordingly. When you gain us a new customer, you will receive Premium-RapidPoints instead, which you can use just like the ReferrerPoints. Of course all ReferrerPoints that have been collected until now have been converted into the according number of Premium-RapidPoints.

# Exhibit 2

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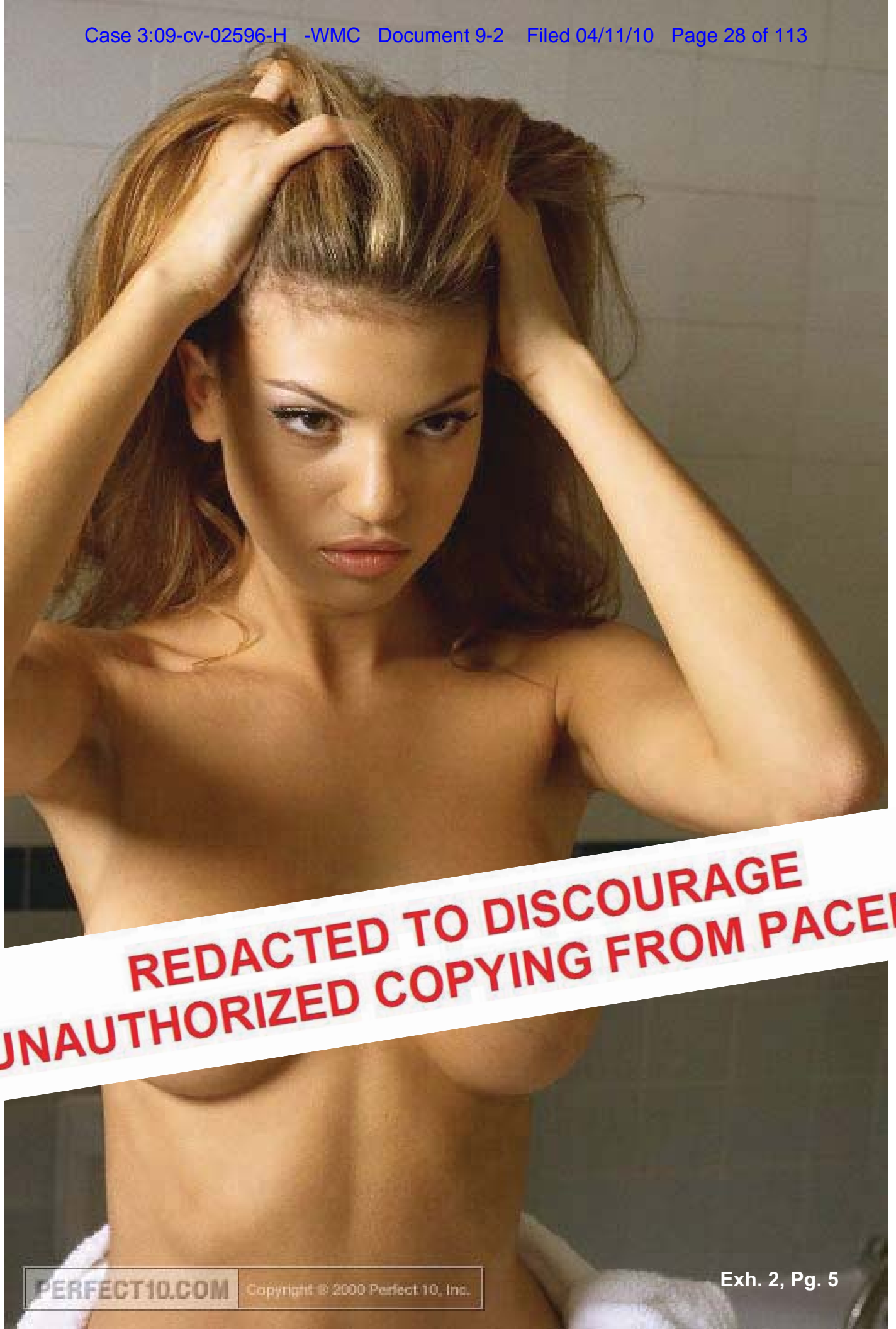
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[raspeberrytwist.com](#)

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S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEEDBACK

# Exhibit 4



```
domain:                rapidshare.com
status:                LOCK
owner-c:               LULU-9408709
admin-c:               LULU-9408709
tech-c:               LULU-9408709
zone-c:               LULU-9408709
nserver:               ns1.rapidshare.com
nserver:               ns2.rapidshare.com
nserver:               ns3.rapidshare.com
created:               2002-05-27 20:23:36
expire:               2010-05-27 20:23:36 (registry time)
changed:               2009-07-17 12:23:04
```

```
[owner-c] handle: 9408709
[owner-c] type: PERSON
[owner-c] title:
[owner-c] fname: Christian ✓
[owner-c] lname: Schmid
[owner-c] org: RapidShare AG
[owner-c] address: Gewerbestrasse 6
[owner-c] city: Cham
[owner-c] pcode: 6330
[owner-c] country: CH
[owner-c] state: CH
[owner-c] phone: +41-41-7487888
[owner-c] fax: +41-41-7487899
[owner-c] email: domain@rapidshare.com
[owner-c] protection: B
[owner-c] updated: 2006-11-26 23:36:18
```

```
[admin-c] handle: 9408709
[admin-c] type: PERSON
[admin-c] title:
[admin-c] fname: Christian
[admin-c] lname: Schmid
[admin-c] org: RapidShare AG
[admin-c] address: Gewerbestrasse 6
[admin-c] city: Cham
[admin-c] pcode: 6330
[admin-c] country: CH
[admin-c] state: CH
[admin-c] phone: +41-41-7487888
[admin-c] fax: +41-41-7487899
[admin-c] email: domain@rapidshare.com
[admin-c] protection: B
[admin-c] updated: 2006-11-26 23:36:18
```

```
[tech-c] handle:          9408709
[tech-c] type:            PERSON
[tech-c] title:
[tech-c] fname:          Christian
[tech-c] lname:          Schmid
[tech-c] org:             RapidShare AG
[tech-c] address:
[tech-c] city:            Cham
```

## WHOIS Searches

## POPULAR

## RECENT

Domain Name - Total Searches

 RSS

sbcglobal.net - 26541

amazon.com - 7221

craigslist.com - 5177

kingsridge.com - 4456

cisco.com - 3654

mchsi.com - 3198

disney.com - 3159

ibm.com - 3045

cnn.com - 2558

nytimes.com - 2323

NEXT <sup>50</sup>





May 27, 2009

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Attached please find a DVD which contains a sampling of our copyrighted materials that your site has offered for sale without any authorization whatsoever. Please remove all copyrighted materials that you do not have the rights for from your offerings, including the materials on the attached DVD. We and other copyright holders cannot compete with a company like yours that is stealing massive quantities of other people's property as you have no cost to acquire your stolen materials whereas we pay to create what we own.

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Perfect 10, Inc.

800-606-6639

P.O. Box 3398

Beverly Hills, CA 90212

Fax: 310-205-9644

[normanz@earthlink.net](mailto:normanz@earthlink.net) <<mailto:normanz@earthlink.net>>

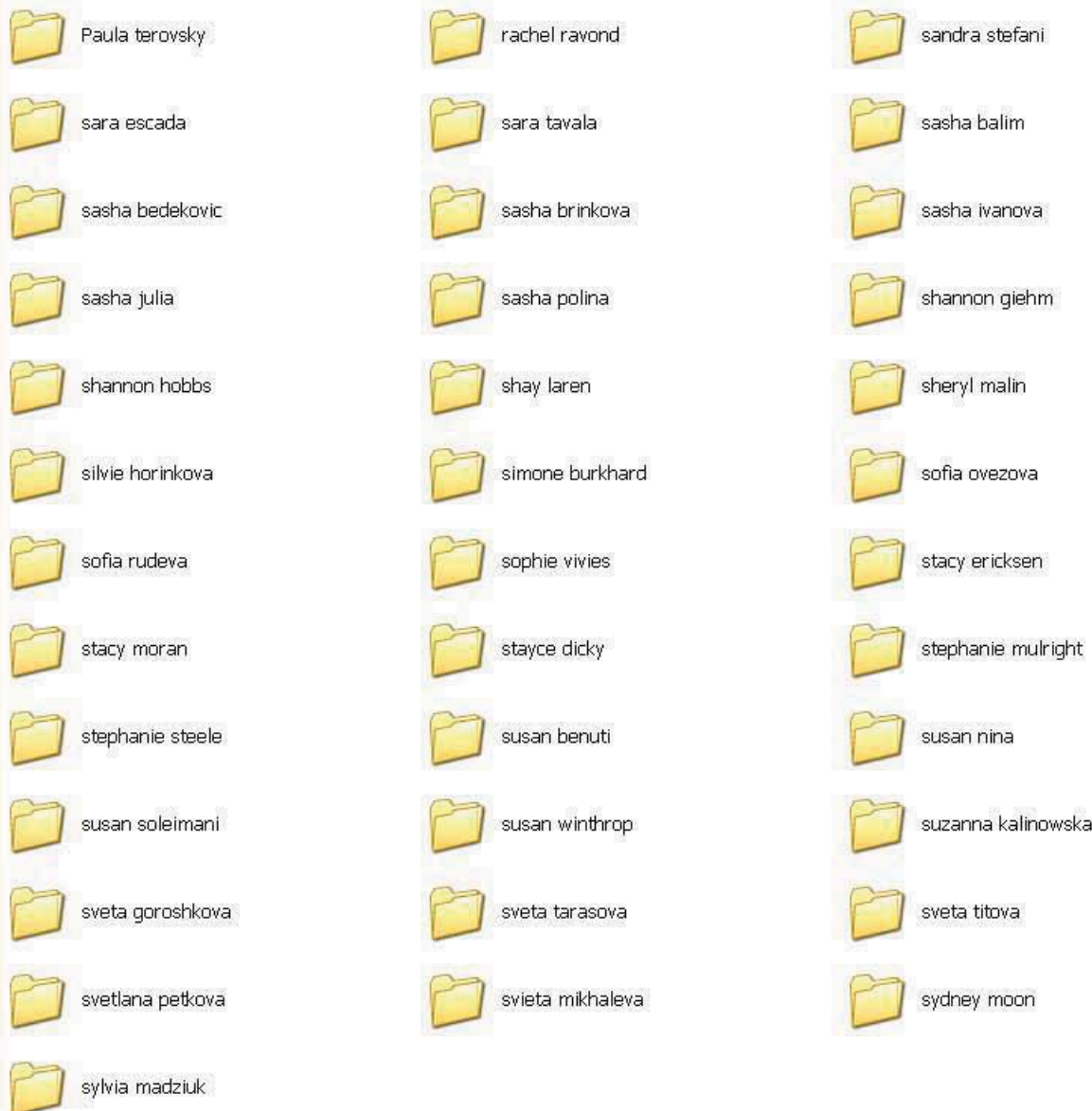
## File and Folder Tasks

- Make a new folder
- Publish this folder to the Web

## Other Places

- dmca rapidshare
- My Documents
- Shared Documents
- My Computer
- My Network Places

## Details





# FedEx Express International Air Waybill

For FedEx services worldwide

Sender's Co

**1 From** Please print and press hard.

Date MM/DD/YY Sender's FedEx Account Number [REDACTED]

Sender's Name Norman Zada Phone 310-205-9988

Company Pentert 10

Address 72 Beverly Park

Address Beverly Hills State CA

City USA ZIP Postal Code 90210

Country

**2 To**

Recipient's Name Christian Schmid Phone 41-41-7487888

Company Rapidlane AG

Address Gewerbestraße 6

Dept./Floor

Address Cham State CH

City CH ZIP Postal Code 6330

Country

Recipient's Tax ID number for Customs purposes  
e.g., GST/RFC/VAT/IN/EIN, or as locally required

**3 Shipment Information**

☐ For EU Only: Tick here if goods are not in free circulation and provide C.I.

Total Packages 1 Total V lbs/ kg in. cm

**4 Express Package Service**

☐ FedEx Intl. Priority ☐ FedEx Intl. First  
Available to select locations  
Higher rates apply.

☐ ☐ ☐ FedEx Intl. Economy  
FedEx Envelope and FedEx Pak  
rate not available

**Packages up to 150 lbs. / 68 kg**  
For packages over 150 lbs. (68 kg), use the  
FedEx Expanded Service Intl. Air Waybill.

Not all services and options are available to all destinations. Dangerous goods can be shipped using this Air Waybill.

**5 Packaging**

☐ FedEx Envelope ☐ FedEx Pak ☐ FedEx Box ☐ FedEx Tube

☐ Other ☐ FedEx 10kg Box\* ☐ FedEx 25kg Box\*

\*These unique brown boxes with special pricing are provided by FedEx for FedEx Intl. Priority only.

**6 Special Handling**

☐ HOLD at FedEx Location ☐ SATURDAY Delivery  
Available to select locations for FedEx Intl. Priority only

**7a Payment Bill transportation charges to:**

Enter FedEx Acct. No. or Credit Card No. below.

☐ Sender Acct. No. in Section 1 will be billed. ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash Check/ Cheque

FedEx Acct. No. Credit Card No. Credit Card Exp. Date

FedEx Use Only

**7b Payment Bill duties and taxes to:**

ALL shipments can be subject to Customs charges, which FedEx does not estimate prior to clearance.

Enter FedEx Acct. No. below.

☐ Sender Acct. No. in Section 1 will be billed. ☐ Recipient ☐ Third Party

FedEx Acct. No.

**8 Your Internal Billing Reference**

First 24 characters will appear on invoice.

OPTIONAL

**9 Required Signature**

Use of this Air Waybill constitutes your agreement to the Conditions of Contract on the back of this Air Waybill, and you represent that this shipment does not require a U.S. State Department License or contain dangerous goods. Certain international treaties, including the Warsaw Convention, may apply to this shipment and limit our liability for damage, loss, or delay, as described in the Conditions of Contract.

**WARNING:** These commodities, technology or software were exported from the United States in accordance with Export Administration Regulations. Diversion contrary to U.S. law prohibited.

Sender's Signature: [Signature]

This is not authorization to deliver this shipment without a recipient signature.

5000

Exh. 4, Pg. 4

**Mozilla Firefox**

File Edit View History Bookmarks Tools Help

http://www.fedex.com/Tracking

Most Visited Getting Started Latest Headlines

Español | Customer Support | FedEx Locations Search Go

**FedEx**

Package Envelope Freight Expedited Office/Print Services

Ship Track Manage Business Solutions

**Detailed Results** [Printable Version](#) [Help](#)

Enter tracking number

**Detailed Results** Notifications

Tracking no.: 857814886831 [E-mail notifications](#)

**Delivered**

Initiated Picked up In transit **Delivered**

**Delivered**  
Signed for by: **F. AGGARWAL**

Shipment Dates  
Ship date May 27, 2009  
Delivery date May 29, 2009 10:18 AM

Destination  
CHAM CH  
[Signature Proof of Delivery](#)

**Shipment Facts** [Help](#)

Service type	Priority Envelope	Delivered to	Receptionist/Front Desk
Weight	0.5 lbs/0.2 kg		

**Shipment Travel History** [Help](#)

Select time zone:  Select time format: **12H** | 24H

All shipment travel activity is displayed in local time for the location

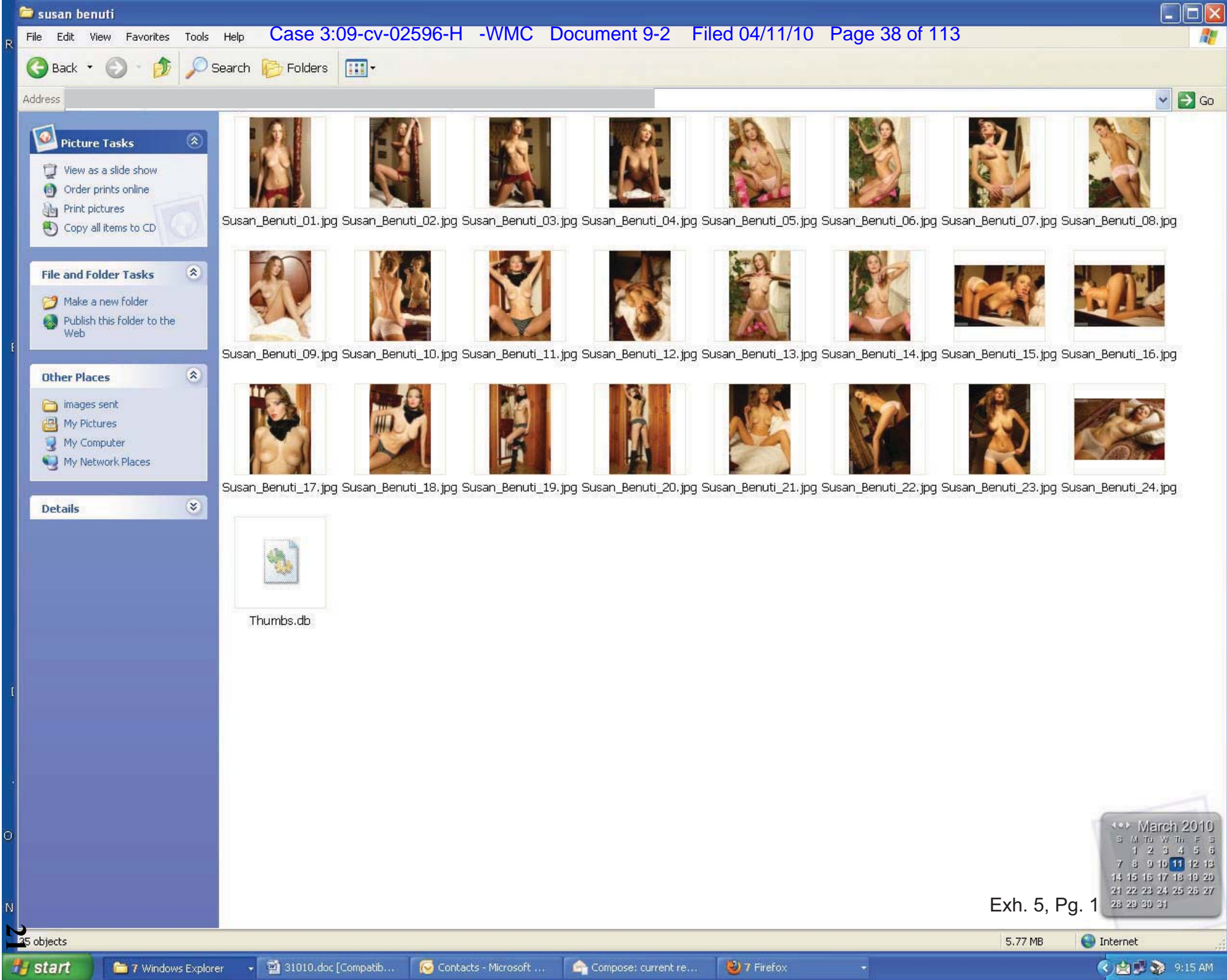
Date/Time	Activity	Location	Details
May 29, 2009 10:18 AM	<b>Delivered</b>	<b>CHAM CH</b>	
May 29, 2009 8:56 AM	On FedEx vehicle for delivery	KUESSNACHT AM RIGI CH	
May 29, 2009 8:43 AM	At local FedEx facility	KUESSNACHT AM RIGI CH	
May 29, 2009 3:54 AM	In transit	BASEL CH	
May 29, 2009 1:29 AM	In transit	BASEL CH	Package available for clearance
May 29, 2009 1:29 AM	Int'l shipment release	BASEL CH	
May 28, 2009 2:48 AM	In transit	MEMPHIS, TN	
May 28, 2009 2:23 AM	Departed FedEx location	MEMPHIS, TN	

Done

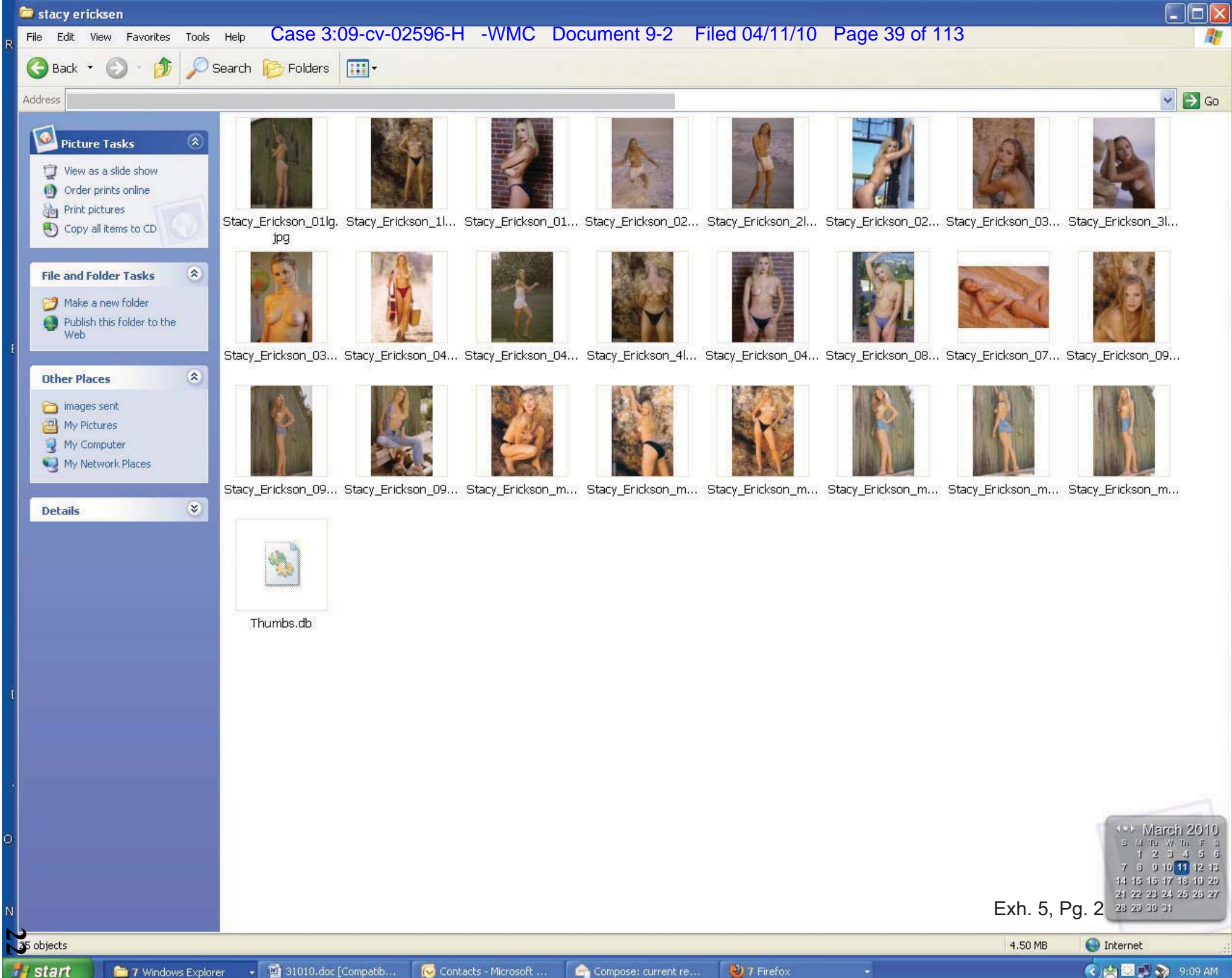
start 8 Windows Ex... Google SJM Zad... KEY POINTS cur... Third Set of Inte... Creating Adobe ... Contacts - Micro... Inbox for norma... - Thunderbird Mozilla Firefox 5:18 PM

# Exhibit 5

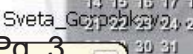








### Details



Exh. 5, Pg. 3  
Adobe Updater  
Updates are ready to be installed.

# Exhibit 6



media

File Edit View Favorites Tools Help

Case 3:09-cv-02596-H -WMC Document 9-2 Filed 04/11/10 Page 42 of 113

Back Forward Stop Search Folders

Address R:\rapidshare.com\downloaded files\3510\Susan\_Benuti\media Go

Picture Tasks

View as a slide show

Order prints online

Print pictures

Copy all items to CD

File and Folder Tasks

Make a new folder

Publish this folder to the Web

Other Places

Susan\_Benuti

My Pictures

My Computer

My Network Places

Details

Susan\_Benuti\_01.jpg

Susan\_Benuti\_02.jpg

Susan\_Benuti\_03.jpg

Susan\_Benuti\_04.jpg

Susan\_Benuti\_05.jpg

Susan\_Benuti\_06.jpg

Susan\_Benuti\_07.jpg

Susan\_Benuti\_08.jpg

Susan\_Benuti\_09.jpg

Susan\_Benuti\_10.jpg

Susan\_Benuti\_11.jpg

Susan\_Benuti\_12.jpg

Susan\_Benuti\_13.jpg

Susan\_Benuti\_14.jpg

Susan\_Benuti\_15.jpg

Susan\_Benuti\_16.jpg

Susan\_Benuti\_17.jpg

Susan\_Benuti\_18.jpg

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Susan\_Benuti\_25.jpg

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Susan\_Benuti\_27.jpg

Susan\_Benuti\_28.jpg

Susan\_Benuti\_29.jpg

Susan\_Benuti\_30.jpg

Susan\_Benuti\_31.jpg

Susan\_Benuti\_32.jpg

Thumbs.db

33 objects

6.67 MB

Internet

start

7 Windows Explorer

31010.doc [Compatib...

Contacts - Microsoft ...

Compose: current re...

Inbox for normanz@...

7 Firefox

March 2010

10:13 AM

Back

Forward

Search

Folders

Address R:\rapidshare.com\downloaded files\3510\Stacy\_Erickson\media

Picture Tasks

View as a slide show

Order prints online

Print pictures

Copy all items to CD

File and Folder Tasks

Make a new folder

Publish this folder to the Web

Other Places

Stacy\_Erickson

My Pictures

My Computer

My Network Places

Details

Stacy\_Erickson\_01...

Stacy\_Erickson\_11...

Stacy\_Erickson\_01...

Stacy\_Erickson\_02...

Stacy\_Erickson\_21...

Stacy\_Erickson\_02...

Stacy\_Erickson\_03...

Stacy\_Erickson\_31...

Stacy\_Erickson\_03...

Stacy\_Erickson\_04...

Stacy\_Erickson\_04...

Stacy\_Erickson\_41...

Stacy\_Erickson\_04...

Stacy\_Erickson\_08...

Stacy\_Erickson\_07...

Stacy\_Erickson\_09...

Stacy\_Erickson\_09...

Stacy\_Erickson\_m...

Stacy\_Erickson\_m...

Stacy\_Erickson\_m...

Stacy\_Erickson\_m...

Stacy\_Erickson\_m...

Stacy\_Erickson\_m...

Stacy\_Erickson\_m...

Thumbs.db

25 objects 4.49 MB Internet





Back

Forward

Search

Folders

Address R:\rapidshare.com\downloaded files\3510\Sveta\_Goroshkova\media

Picture Tasks

View as a slide show

Order prints online

Print pictures

Copy all items to CD

File and Folder Tasks

Make a new folder

Publish this folder to the Web

Other Places

Sveta\_Goroshkova

My Pictures

My Computer

My Network Places

Details

23 objects

15.6 MB

Internet

26

March 2010

S	M	Tu	W	Th	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Exh. 6, Pg. 3



A photograph of a woman lying on a bed, wearing white lace underwear. She is looking towards the camera. A large, diagonal white banner with red text is superimposed over the image, reading "REDACTED TO DISCOURAGE UNAUTHORIZED COPYING FROM PACER".

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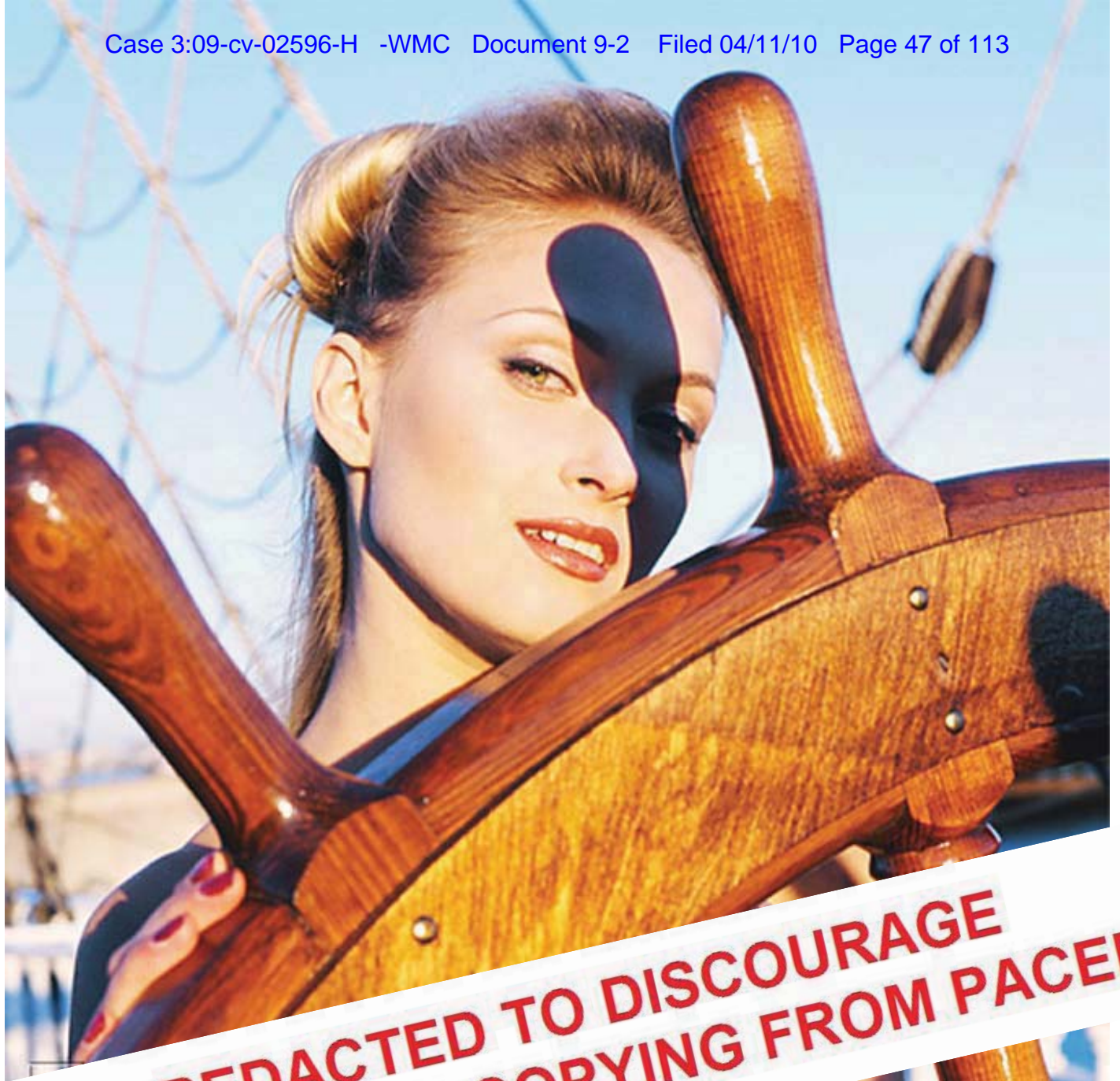
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Exh. 6, Pg. 6

**REDACTED TO DISCOURAGE  
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Exh. 6, Pg. 8





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Exh. 6, Pg. 9

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A woman with long brown hair, seen from behind, stands in a white doorway. She is wearing a white strapless dress and white high-heeled sandals. She is looking out the doorway towards a bright, sunlit area. The image is partially obscured by a large red text banner.

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Exh: 6, Pg. 10

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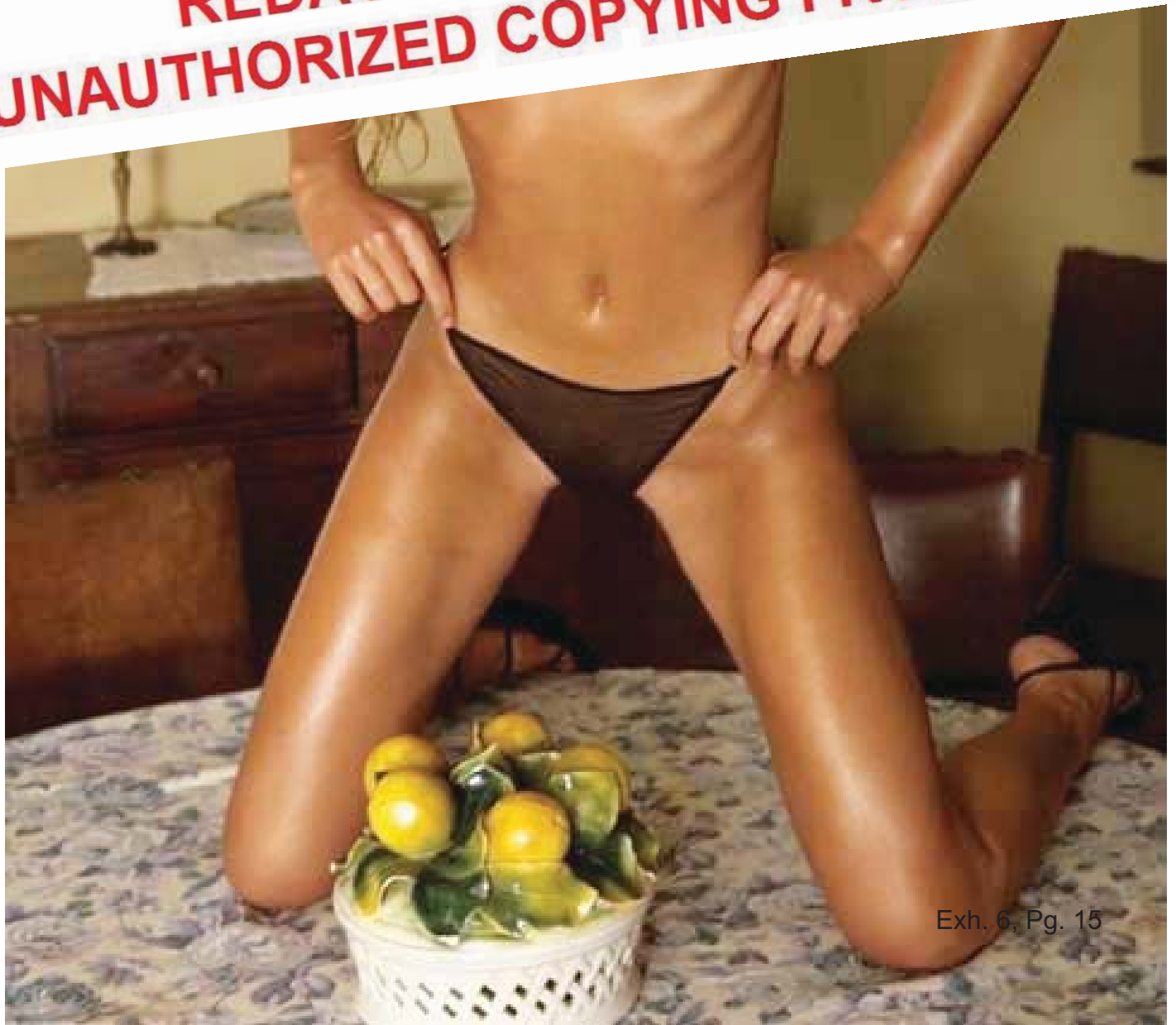
Exh. 6, Pg. 12

**REDACTED TO DISCOURAGE  
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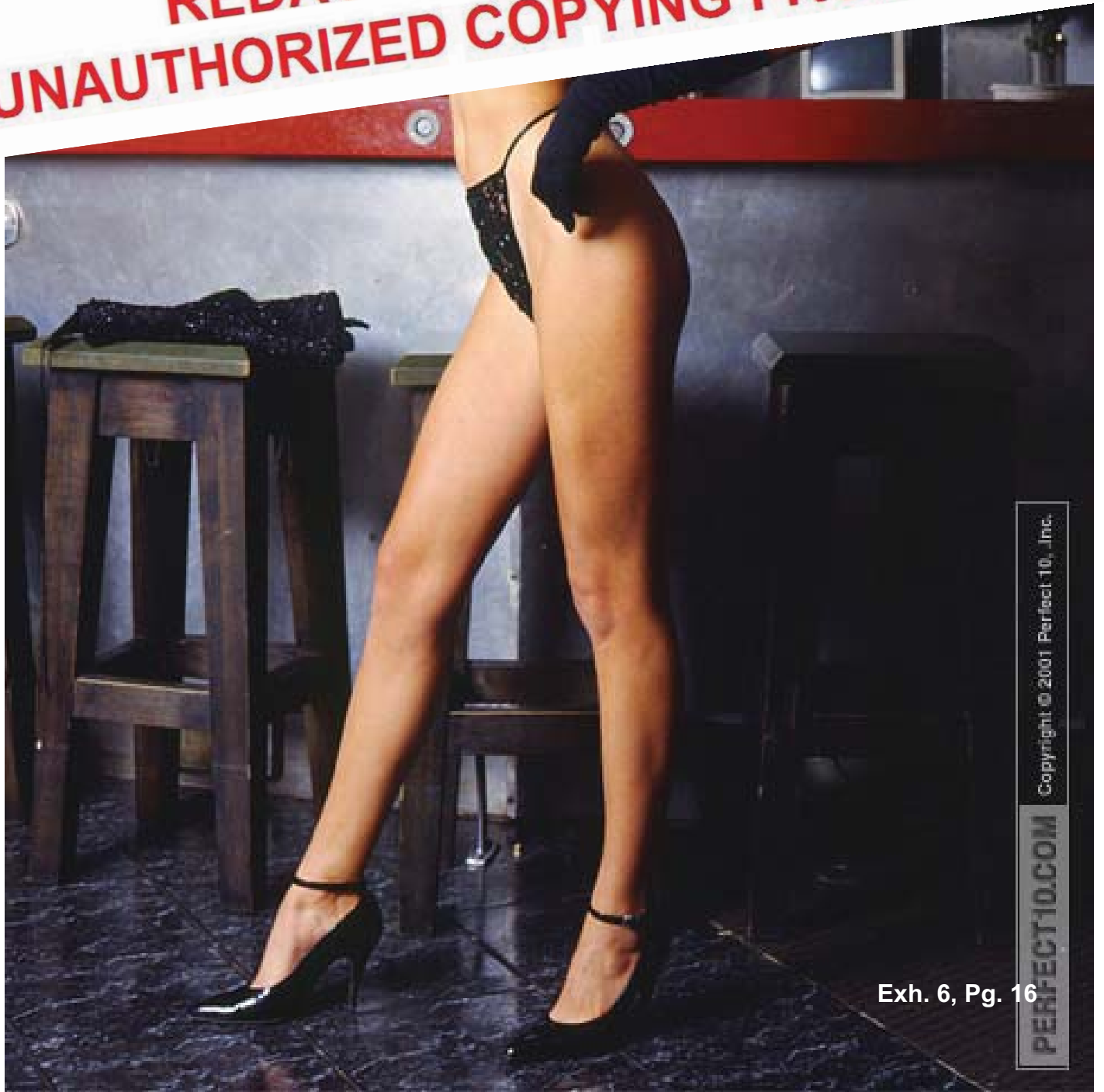


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Exh. 6, Pg. 16

# Exhibit 7





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[www.taringa.net/.../25-Albums-de-The-Beatles-con-imágenes.html](http://www.taringa.net/.../25-Albums-de-The-Beatles-con-imágenes.html) - [Cached](#) - [Similar](#)

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Avatar	31,900,000	The Young Victoria	1,850,000
The Book of Eli	20,900,000	Terminator	1,600,000
Smokin' Aces 2	19,000,000	Transformers	1,590,000
E.T.	18,100,000	A Serious Man	1,580,000
Dirty Dancing	17,400,000	American Pie	1,510,000
Twilight	17,100,000	Old Dogs	1,390,000
Harry Potter	9,580,000	Daybreakers	1,210,000
Star Wars	9,300,000	Smokin Aces	1,190,000
Batman	9,020,000	South Park	1,160,000
Star Trek	8,700,000	Titanic	1,090,000
Precious	7,900,000	Edge of Darkness	1,030,000
Sherlock Holmes	6,820,000	Lord of the Rings	1,030,000
New Moon	6,770,000	District 9	1,010,000
The Invention of Lying	6,680,000	Armored	948,000
Princess and the Frog	6,490,000	Tomb Raider	864,000
Ninja Assassin	6,220,000	Bruno	830,000
The Time Traveler's Wife	6,210,000	Couples Retreat	805,000
Shutter Island	5,590,000	Hangover	779,000
Legion	5,120,000	The Bourne Ultimatum	773,000
The Fourth Kind	4,990,000	James Bond	738,000
Simpsons	4,820,000	Invictus	723,000
Alice in Wonderland	4,770,000	Zombieland	702,000
Spiderman	4,580,000	Astro Boy	680,000
The Bookndock Saints II	4,490,000	Julie & Julia	676,000
Notebook	3,990,000	Indiana Jones	658,000
El Secreto de Sus Ojos	3,960,000	Godfather	640,000
X-Men	3,760,000	The Lovely Bones	617,000
Law Abiding Citizen	3,630,000	Sex and the City	613,000
Hurt Locker	3,500,000	Surrogates	611,000
The Men Who Stare at Goats	3,170,000	The Brother's Bloom	582,000
Matrix	3,060,000	Valentine's Day	545,000
Up in the Air	3,000,000	King Kong	536,000
From Paris with Love	2,950,000	Cirque Du Freak	534,000
Iron Man	2,810,000	Cloudy with a Chance of Meatballs	534,000
Agora	2,000,000	Crazy Heart	527,000
Tooth Fairy	1,950,000	Pirates of the Caribbean	527,000
Blind Side	1,880,000	Inglorious Bastards	515,000
Cop Out	1,850,000	Where the Wild Things Are	494,000
Dorian Gray	470,000	Pulp Fiction	232,000

Google Search for "Movie Title" & rapidshare.com	Results Returned	Google Search for "Movie Title" & rapidshare.com	Results Returned
Funny People	469,000	Back to the Future	202,000
Jurassic Park	449,000	It's Complicated	188,000
When in Rome	437,000	Borat	176,000
Jennifer's Body	433,000	War of the Worlds	161,000
Whiteout	410,000	American Beauty	158,000
Extraordinary Measures	407,000	Men in Black	158,000
Toy Story	404,000	The Incredibles	142,000
The Informant	398,000	Independence Day	140,000
Rambo	396,000	Knocked Up	125,000
Angels and Demons	380,000	Sixth Sense	117,000
Hancock	379,000	Bourne Identity	116,000
Mission Impossible	369,000	Exorcist	106,000
Stepfather	329,000	Gone with the Wind	104,000
Rush Hour	322,000	Dogma	99,300
Home Alone	271,000	Wedding Crashers	99,300
Mama Mia	271,000	Eyes Wide Shut	97,000
Twister	259,000	Passion of The Christ	91,900
Da Vinci Code	246,000	Schindler's List	58,000
Slumdog Millionaire	235,000		

Google Search on "Title of show" & rapidshare.com	Results Returned
How I met Your Mother	9,490,000
CSI	5,640,000
Smallville	4,040,000
Big Bang Theory	2,340,000
NCIS	1,560,000
Chuck	1,240,000
Desperate Housewives	1,240,000
Heroes	1,240,000
Scrubs	1,240,000
The Office	1,240,000
Prison Break	1,170,000
Real Housewives of...	1,170,000
Family Guy	1,040,000
Glee	992,000
House M.D.	950,000
American Idol	945,000
One Tree Hill	877,000
Vampire Diaries	862,000
Battlestar Galactica	837,000
Gossip Girl	798,000
Nip/Tuck	753,000
The Mentalist	731,000
True Blood	715,000
Lie To Me	699,000
How to Make it in America	636,000
Californication	611,000
Two and a Half Men	587,000
Criminal Minds	575,000
Ghost Whisperer	545,000
Knight Rider	495,000
Ugly Betty	485,000
30 Rock	456,000

Google Search on "Title of show" & rapidshare.com	Results Returned
Stargate Atlantis	447,000
American Dad	445,000
CSI: New York	445,000
Entourage	443,000
Burn Notice	428,000
Numb3rs	404,000
Grey's Anatomy	368,000
Cougar Town	366,000
Supernatural	315,000
Amazing Race	292,000
Modern Family	285,000
Twilight Zone	283,000
Band of Brothers	278,000
Gilmore Girls	249,000
Daily Show	247,000
Melrose Place	238,000
Seinfeld	238,000
The Bachelor	230,000
Six Feet Under	226,000
The Sopranos	202,000
Colbert Report	195,000
Intervention	191,000
Curb Your Enthusiasm	184,000
Quantum Leap	166,000
Southland	160,000
Deadwood	107,000



Google Search for Singer & rapidshare.com	Results returned
Michael Jackson	9,540,000
Lady Gaga	8,710,000
Lil Wayne	8,590,000
Rihanna	8,190,000
Beyonce	7,150,000
Madonna	6,750,000
Metallica	6,080,000
Linkin Park	4,750,000
Black Eyed Peas	4,390,000
Shakira	4,370,000
Beatles	2,560,000
David Guetta	2,460,000
Gorillaz	2,020,000
Eminem	1,690,000
Enrique Iglesias	1,680,000
Avril Lavigne	1,640,000
Flo Rida	1,510,000
50 Cent	1,460,000
Britney Spears	1,460,000
Timbaland	1,440,000
Mariah Carey	1,250,000
Jay-Z	1,160,000
Ludacris	1,090,000
Pink Floyd	1,080,000
2Pac	1,060,000
Kings of Leon	1,050,000
Jennifer Lopez	986,000
Green Day	956,000
Celine Dion	908,000
Alicia Keys	836,000

Google Search for Singer & rapidshare.com	Results returned
Elvis Presley	812,000
Bob Marley	798,000
Jay Sean	792,000
Gucci Mane	789,000
Taylor Swift	771,000
Christina Aguilera	740,000
Jimi Hendrix	736,000
Backstreet Boys	713,000
Led Zeppelin	693,000
Jason Derulo	692,000
Justin Bieber	675,000
Rolling Stones	670,000
AC DC	644,000
Bob Dylan	643,000
R. Kelly	606,000
Michael Buble	601,000
Owl City	582,000
Guns N' Roses	561,000
Elton John	558,000
Arventura	547,000
Taio Cruz	534,000
Eric Clapton	498,000
Aerosmith	492,000
Ciara	478,000
Kelly Clarkson	476,000
David Bowie	469,000
Slipknot	463,000
Red Hot Chili Peppers	457,000
Pearl Jam	444,000
The Doors	444,000

Google Search for Singer & rapidshare.com	Results returned
Janet Jackson	432,000
Destiny's Child	412,000
Frank Sinatra	404,000
Johnny Cash	381,000
Mary J. Blige	371,000
Paul McCartney	368,000
Amy Winehouse	364,000
John Lennon	362,000
John Mayer	355,000
Sarah Brightman	341,000
Aretha Franklin	330,000
Carrie Underwood	330,000
Van Halen	330,000
Tupac	327,000
Adam Lambert	318,000
Iyaz	316,000
Shania Twain	303,000
Stevie Wonder	301,000
Fleetwood Mac	276,000
Ray Charles	244,000
Jackson 5	239,000
Marvin Gaye	230,000
Jack Johnson	225,000
Lynyrd Skynyrd	188,000
George Harisson	186,000
Bing Crosby	178,000
Buddha Bar	176,000
The Beach Boys	157,000
Tom Petty	146,000
John Coltrane	145,000

Google Search for Singer & rapidshare.com	Results returned
Chris Isaak	143,000
Vicente Fernandez	133,000
New Boyz	125,000
J Lo	119,000
The Ramones	114,000
Simon and Garfunkel	110,000
Barbara Streisand	66,600

# Exhibit 8



Jan-02-03 11:54am From:Arnold &amp; Porter

T-772 P.002/005 F-413

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RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PERFECT 10, INC.,

No. C 02-2842 MMC

Plaintiff,

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT; DENYING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT  
OR, ALTERNATIVELY, FOR PARTIAL  
SUMMARY JUDGMENT; VACATING  
HEARING**

v.

GUBA, LLC, et al.,

(Docket Nos. 23, 36)

Defendants

United States District Court

For the Northern District of California

Before the Court are (1) a motion by plaintiff Perfect 10, Inc. ("Perfect 10") for partial summary judgment against defendant GUBA LLC ("GUBA") pursuant to Rule 56 of the Federal Rules of Civil Procedure and (2) a motion by defendants GUBA, Thomas G. McInerney, Jr. ("McInerney"), and Eric Lambrecht ("Lambrecht") for summary judgment or, in the alternative, for partial summary judgment, pursuant to Rule 56. Having considered the papers filed in support of and in opposition to the motions, the Court deems the motions suitable for decision on the papers, VACATES the hearing scheduled for December 20, 2002, and rules as follows:

1. Each party seeks summary judgment on the issue of infringement. It is undisputed that images of 332 photographs in which Perfect 10 owns copyrights were found on GUBA's internet site, www.guba.com, on May 31, 2002. (See Zadeh Decl. ¶¶ 12,

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T-772 P.003/005 F-413

1 20-25, Exs. A, I-M.) It is also undisputed that GUBA obtained the subject images by using  
 2 its proprietary software to "retrieve binary files posted by users on the Usenet,"<sup>1</sup> which  
 3 images GUBA then made available on its site for its customers. (See Lambrecht Decl.,  
 4 filed November 1, 2002, ¶ 9.) The Court finds GUBA's activities, as a matter of law,  
 5 constitute direct infringement in violation of the Copyright Act. See Playboy Enterprises  
 6 Inc. v. Webworld, Inc., 991 F. Supp. 543, 551-52 (N.D. Tex. 1997) (holding defendant  
 7 who used software program to retrieve plaintiff's copyrighted images posted by third  
 8 parties on Usenet sites and thereafter posted such images on defendant's site was liable  
 9 to plaintiff for direct infringement); cf. Religious Technology Center v. Netcom On-line  
 10 Communication Services, Inc., 907 F. Supp. 1361, 1365, 1381-82 (N.D. Cal. 1995)  
 11 (holding where individual posted copyrighted material on computer bulletin board service,  
 12 operator of bulletin board service was not liable for direct infringement where operator took  
 13 no "affirmative steps to cause the copies to be made"). Accordingly, in the absence of an  
 14 affirmative defense, Perfect 10 is entitled to summary judgment on the issue of copyright  
 15 infringement based on the above-referenced 332 photographs and defendants are not  
 16 entitled to summary judgment on the issue of copyright infringement.

17 2. Defendants argue they are entitled to judgment under the Digital Millennium  
 18 Copyright Act, specifically the affirmative defense provided in 17 U.S.C. § 512(d). Under  
 19 § 512(d), a "service provider" is not liable for infringement "by reason of the provider  
 20 referring or linking users to an online location containing infringing material or infringing  
 21 activity, by using information location tools, including a directory, index, reference, pointer,  
 22 or hypertext link." See 17 U.S.C. § 512(d). Here, however, GUBA's alleged infringement  
 23 is "by reason of" GUBA's own copying of the 322 infringing images from other sites and  
 24 then posting those images on its website, not "by reason of" GUBA referring or linking its  
 25

26 <sup>1</sup>The USENET, an abbreviation of 'User Network,' is an international collection of  
 27 organizations and individuals (known as 'peers') whose computers connect to each other  
 28 and exchange messages posted by USENET users. Messages are organized into  
 'newsgroups,' which are topic-based discussion forums where individuals exchange ideas  
 and information." Ellison v. Robertson, 189 F. Supp. 2d 1051, 1053 (C.D. Cal. 2002).



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1 users to other sites. Accordingly, defendants have not shown they are entitled to summary  
 2 judgment on the issue of infringement based on the affirmative defense set forth in §  
 3 512(d).

4 3. Relying on Kelly v. Arriba Soft Corp., 280 F. 3d 934 (9<sup>th</sup> Cir. 2002), defendants  
 5 further argue that, to the extent Perfect 10 alleges GUBA's use of low-resolution  
 6 "thumbnails" to display the copyrighted images constitutes infringement, defendants are  
 7 entitled to judgment because GUBA's thumbnails, as a matter of law, constitute "fair use"  
 8 under 17 U.S.C. § 107. Contrary to defendants' argument, however, Kelly does not hold  
 9 that the use of low-resolution thumbnails constitutes fair use as a matter of law. Rather,  
 10 the court in Kelly discussed such evidence as bearing on the first and fourth of four  
 11 statutory factors that must be considered in determining whether use in a particular case  
 12 constitutes fair use. See id. at 941, 944; 17 U.S.C. § 107.<sup>2</sup> Defendants here have not  
 13 addressed the requisite four-factor analysis, and, as plaintiffs point out, significant  
 14 differences exist between the facts in Kelly and the present case. Accordingly, defendants  
 15 have not shown they are entitled to partial summary judgment based on the defense of fair  
 16 use.

### 17 CONCLUSION

18 For the reasons stated, plaintiff's motion for partial summary judgment is hereby  
 19 GRANTED; defendants' motion for summary judgment or, in the alternative, for partial  
 20 summary judgment is hereby DENIED.

21 This order closes Docket Nos. 23 and 36.

22 IT IS SO ORDERED.

23 Dated: DEC 30 2002

24   
 25 MAXINE M. CHESNEY  
 United States District Judge

26 <sup>2</sup>The four factors are: (1) the purpose and character of the use, including whether  
 27 such use is of a commercial nature or is for nonprofit educational purposes; (2) the nature  
 28 of the copyrighted work; (3) the amount and substantiality of the portion used in relation to  
 the copyrighted work as a whole; and (4) the effect of the use upon the potential market for  
 or value of the copyrighted work." See Kelly, 280 F. 3d at 940 n. 10 (citing 17 U.S.C.  
 § 107.)

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T-772 P.005/005 F-413

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

Perfect 10, Inc., a California corporation,  
Plaintiff,

Case Number: C-02-2842 MMC  
**CERTIFICATE OF SERVICE**

v.

Guba, LLC, a limited liability company;  
Thomas G. McInerney, Jr., an individual; and  
Eric Lambrecht, an individual,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 30, 2002, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

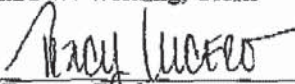
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Ronald L. Johnston  
Sharon Douglass Mayo  
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Los Angeles, CA-90067

Shelley M. Liberto  
Law Offices of Shelley M. Liberto  
3 Hutton Center Drive, Suite 900  
Santa Ana, CA 92707

Dated: December 30, 2002

Richard W. Wieking, Clerk

By:   
Deputy Clerk



# Exhibit 9

Los Angeles Times

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# Technology

THE BUSINESS AND CULTURE OF OUR DIGITAL LIVES, FROM THE L.A. TIMES

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## German court throws the book at RapidShare

February 24, 2010 | 2:58 pm



Book publishers claimed a key legal victory over a large European website that was found to have hosted copies of pirated books.

A court in Hamburg, Germany, has declared that "copyrighted literary works are unlawfully being made publicly available in the context of a share-hosting system on the Internet," a group of six major publishers said Wednesday.

The court on Feb. 10 ordered RapidShare and its owners, **Christian Schmid** and **Bobby Chang**, to "promptly block access" to pirated books and "take precautions going beyond this in order to prevent ... further similar infringement."

The company, based in Switzerland, did not respond to an e-mail requesting a statement.

Book piracy has become a growing concern for publishers as they begin to distribute more of their titles in digital formats on devices such as Amazon.com's Kindle, Sony's Reader or the upcoming Apple iPad. To combat piracy, publishers have been quietly issuing so-called takedown notices to websites that host or facilitate the sharing of pirated books, requesting the sites to delete or shut down access to the files.

Their suit against RapidShare is among the industry's first concerted efforts to tackle a website and is akin to lawsuits lobbied by music labels against Napster in 1999 and 2000 for copyright violations. The six publishing plaintiffs were John Wiley & Sons, McGraw-Hill, Macmillan, Reed Elsevier, Cengage Learning and Pearson.

RapidShare accounted for 36% of the 53,000 takedown notices issued by publishers between July and December, according to a study by **Attributor**, a content monitoring consulting service based in Redwood City, Calif. The site attracts more than **42 million visitors a day**, representing just under 3% of the world's Internet users, according Web traffic tracker **Alexa Internet**.

-- Alex Pham

Photo credit: Looking Glass via Flickr.

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What is Rapidshare? How to use Rapidshare and How to get everything you ever wanted.

If you're looking to learn about Rapidshare ([www.rapidshare.com](http://www.rapidshare.com)) and file sharing you have come to the right place. If you don't already know what Rapidshare is, prepare to be blown away. In this blog I will be fully explaining what Rapidshare is and how to use it and if you're like most people reading this right now you probably have no idea what Rapidshare actually is.

So let's begin. RapidShare is basically a German One-click hosting site that operates from Switzerland and is financed by the subscriptions of paying users. **It operates as a pay service**, allowing any member to upload files of up to 100MB. The user is then supplied with a unique download URL, which locates the file and enables anyone with whom the uploader shares it to download the file.

More simply all this means is that Rapidshare has a bunch of these servers; these servers are loaded with anything and everything you could ever think of. Every game, every program/application, **every movie, every song**, every e-book, literally anything that can be stored on a hard drive, **you can find on the Rapidshare servers**. Basically anything you're looking for your guaranteed to find. Missed an episode of your favorite TV series?, no worries you can download that episode right away. Need some expensive computer software, you got it! You can even download e-books on pretty much anything you can think of. But that's not all, its gets better; Rapidshare is extremely fast when it comes to downloads. I'm talking downloading full DVD quality movies in a matter of 10-20 minutes. You are not capped, you can download as fast as your internet can possibly go.

Rapidshare is such a big site, it is ridiculous. In fact the original website was [www.rapidshare.de](http://www.rapidshare.de), but the servers got full and they started [www.rapidshare.com](http://www.rapidshare.com). It ranks as one of the most visited websites in the world, and as far as traffic goes it competes with the major websites like Google and Yahoo. You can check out their rating on Alexa. [Click here](#)

Now you might be asking, **where do all these files and games and movies come from? The answer is you!** There are literally thousands of people uploading tons of information every second of every day on Rapidshare. Now this doesn't mean, you gotta start uploading stuff, if you just want to download stuff, that's perfectly fine.

So at this point you're probably convinced that Rapidshare is all you'll ever need when it comes to getting any type of file on the internet, and the truth of the matter is your absolutely right. You really don't need anything besides this service.

So now you're probably wondering what exactly the catch is. Well like all good things in life, there is a cost involved. Rapidshare is however free, but if you're a serious downloader you're gonna eventually want to get a premium account. The difference is much faster downloads, and you will soon realize that getting a premium account is mandatory. When you upload a file to Rapidshare it gets broken down into a bunch of links, each file will be on average 100mb. So if you upload a 600 megabyte movie there will be 6 files to download. If you have premium access you just copy and paste the links into a program called Flashget (this is all fully explained in the tutorial section, click the downloading link for more information) and let it automatically download all the files. Just set it and forget it. However, if you're a free user and don't have premium access you have to download the files individually one by one, you can't download more than 1 file at a time and you have to wait a certain period of time between downloads, usually a couple of minutes to an hour. The whole process of downloading becomes very tedious.

Now you may be wondering where to find all the links to download all the great stuff that you want. The reality is that there are Rapidshare forums and links all over the internet. But really you only need one site, it is the world's first official Rapidshare forum, located at [www.rapidfind.org](http://www.rapidfind.org), it is the first and last site you will ever need to get anything from movies to games to music.

So how much does it exactly cost? Well depending on how long of a subscription you want you can expect to pay anywhere from 10 dollars for a 1 month subscription, or around 23 dollars for a 3 month subscription. You can also get subscriptions up to 1 year.

The prices are very affordable when you consider all the great stuff you'll be downloading. What makes it even better is that if you upload files you can accumulate points, which in turn extend the life of your subscription. So if you upload enough you can prolong the life of your premium access to Rapidshare for however long you chose. But once again this is not mandatory.

So if you're ready to get started follow these steps I have outlined below.

1. Visit [www.rapidfind.org](http://www.rapidfind.org), sign up for free to the forum and you will be able to view all the movies, games, appz and e-books that are ready to download.
2. Then go to [www.rapidshare.com](http://www.rapidshare.com), and get yourself a premium membership.
3. Then come back to this site and read the tutorials in the downloading and uploading sections to your left.
4. Also just bookmark this site and rapidshare.com and rapidfind.org, in case you forget.

Follow these three steps and you will praise me for teaching you this stuff.

You will never ever buy another program, game, or music album ever again.



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News

Rapidshare.com loses court battle

26 January 2008 17:04 by Andre "DVDBack23" Yoskowitz | 27 comments

According to *P2P blog*, the German music rights holder **GEMA** has won its court case against the massive file hoster **Rapidshare.com**. In a press release, GEMA announced that the Dusseldorf district court had ruled that Rapidshare will for now on have to **block** access to any works in the GEMA repertoire.

In its defense, Rapidshare was saying that "only its users can be held responsible for copyright violations." **The court apparently disagreed and said that the site was used mainly for illegal activities and that the company generates "substantial" monthly revenue from those illegal activities.**

The ruling could have implications for the future of the site on the whole. GEMA's press release read, "*The ruling forces Rapidshare to 'take measures that might have the risk of making Rapidshare's service substantially less attractive or even close it down completely.'*" That statement means that potentially GEMA can get the entire site shut down if access isn't blocked to GEMA's copy written material.

**In the past year GEMA has won two injunctions against the file hoster but never an actual court case.** Rapidshare.com is based in Switzerland but Rapidshare.de was originally founded in Germany.

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What's at risk if the power goes out?

Exh. 9, Pg. 456

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[Home](#) > [News](#) > Rapidshare Loses in Court – Must Proactively Remove Copyrighted Content

# Oct 1 2008 Rapidshare Loses in Court – Must Proactively Remove Copyrighted Content

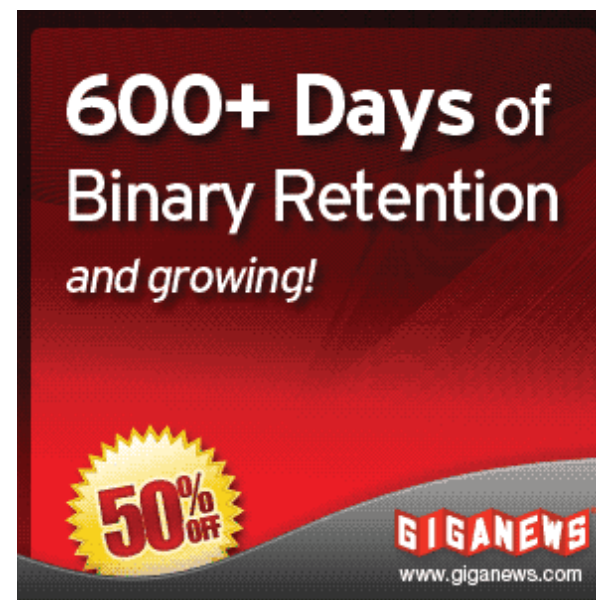
12 Comments

Written by Jorge Gonzalez

The long awaited court ruling has arrived and it may be very bad news for the ever-present content hosting website Rapidshare. A court ruled recently in Germany that the website must not only take down content based on a legal claim, but proactively take down copyrighted content on it's own.

It was only yesterday that the subject of file-hosting [came up in a discussion](#) about link sharing. A report from [P2P-Blog](#) pointed [to a German court ruling](#) (German) that said that not only does the file-hosting service has to comply with copyright complaints, but also check every file for copyright infringement. Rapidshare's argument that it is already fighting copyright infringement appears to have not worked. From P2P-Blog:

The company also has to "proactively check content before publishing it" if there have been similar infringements in the past. Rapidshare has to log and check IP numbers of potential infringers as well, according to the court decision.



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Exh. 9, Pg. 5

Rapidshare has been using a MD5 Hash filter to prevent the upload of previously removed material, and it told the court that it has six employees working full time to remove infringing content. The Hamburg court however ruled that this was not sufficient because infringers would only have to change a few bytes of a file in order to circumvent the filter.

Th court also ruled that Rapidshare cannot argue that it is impossible to stay in business if it would have to check every single file. "A business model that doesn't use common methods of prevention cannot claim the protection of the law", the decision reads.

The news may come as a major blow for some who use the service to share files since the site has been one of the most popular services of choice for hosting content and posting links in blogs and forums.

Critics say that the ruling makes no sense because password protected archives would be extremely hard to check in the first place.

Still, the market for file-hosting services is a wide open one with many other sites hoping to take over the top spot as the number one file-hosting service. So even if this move well and truly means the end of Rapidshare, it may be a click away from being replaced from other contenders like MegaUpload.

Others might point out that the ruling may have a chilling effect on web-based services hoping to start up in Germany given that if a service has to check everything for unauthorized content, how can there be any hope for privacy with that service? What about, going along the lines of RapidShare's argument, additional cost overhead with the need to suddenly have a work-force to go through a service with a fine-toothed comb, looking for any possible misuse of its service by its users?

The lawsuit against RapidShare was filed by GEMA, a German copyright collective whose responsibilities include collecting sampling forms for re-use in derivative works.

Then there is the question of how much things will change in the first place. Many users post non-major record label content on the file-hosting websites. Independent content has built a reputation over the years for being less lawsuit-happy over copyrighted works online. Many of the producers behind the content generally have a more open approach mainly because piracy has been known to bring listeners to their content – something that would otherwise be difficult to impossible with the state of traditional radio and MTV these days.

At this point, it's too early to tell what the fallout will be exactly, but the idea of logging IP addresses might ultimately be a deterrent for users whether or not they intend to use the service for sharing copyrighted works or not.

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after consideration of a specific legal infringement, at preventing further comparable legal infringements from the same "source."

(d) The defendant has evidently not employed these options in response to the plaintiff's claims in a single case however; and the defendant does not claim that she registers IP addresses with which the illegal files were uploaded, nor that she verifies contents in the event of new use, nor lastly provides the plaintiff with the information necessary for direct prosecution of the uploading user. This behavior shows that the defendant is unwilling to do what is possible and reasonable for her to prevent future violations in cooperation with the plaintiff. This behavior also inspires the necessary doubt as to whether the defendant's business model is in fact primarily in line with legally legitimate forms of use.

The defendant however does not only fail to employ the accessible and reasonable cognizance demonstrated or monitoring options. Rather, she seems moreover obviously interested and anxious to continue to omit any option for identifying her users. Even after many previous procedures against the defendant and her council, in which the senate had already made reference to the missing legal protectability of the defendant's business model in its current form (case file 5 U 73/07, 5 U 119/07 and 5 U 149/07), the defendant adheres without change to her business model that enables completely anonymous upload and that provides for no protective mechanisms against repeated legal infringements. In those procedures, there was moreover evidence provided, according to which the defendant provides the public with special publicity of just this aspect of her services and furthermore, attempts to withdraw the access of the German courts; in this respect, reference was made in the submissions to the cited judgment of 2 July 2008 (5 U 73/07 = NJOZ 2008, 4927 - Rapidshare).

(8) With that, in the opinion of the senate, it is unavoidably demonstrated that the defendant's total business model in its current form, cannot be sanctioned by the legal system and is consequently not worthy of protection, because lastly infringement of copyright has been committed on a massive scale and the legitimate interests of the copyright holder, in spite of existing reasonable monitoring mechanisms are left unprotected in a manner that in legal terms, also against the background only of limited investigation obligations of the provider, is not acceptable. Rather, there is a danger inherent in the defendant's business model, a danger to be taken seriously, that this model is being used for the (massive) committing of criminal acts, copyright infringements and pure acts of unfair competition.



A business model that is based on such principles does not merit the protection of the legal system, because in the end, it renders the legitimate interests of owners of absolute protected rights consciously and knowingly completely unprotected. The defendant cannot therefore appeal to the unreasonableness of compliance with investigation obligations, because she herself, through her business model, knowingly and willingly abets her presumed inability to comply.

(9) In the case of such a business model, unsanctioned by the legal system because of the massive, unpenalized (protection) infringements committed under the protection of anonymity, the otherwise relevant categories of repetition danger or of first offense danger are structurally inapplicable and therefore of the grounds cited, cannot be claimed as requirements for the setting of specific investigation obligations. Ultimately what is to be considered is only an unrestricted investigation obligation, because the defendant was shown concrete first offenses committed by her users with respect to the disputed photographic images.

Since the defendant in cognizance of the committed copyright infringements continues to permit unlimited anonymous use of her service, she knowingly removes from the plaintiff the necessary evidence of repeated infringements that he needs to successfully assert his rights. Injunctive relief, with which the future uploading of copyright-violating photographic images should be prevented, requires the dangers of repetition and first offense. For the acceptance of the danger of repetition, a completed violation on grounds of the investigation obligation is necessary (Federal Supreme Court WRP 2007, 1173, 1179 - media morally dangerous to youth on eBay). Such an infringement is present when a provider who has become known to the operator in the past because of this type of offense, subsequently continues to make comparable offers, to the extent that the operator according to the principles presented was obligated to perform an investigation (Federal Supreme Court 2007, 1173, 1179 - media morally dangerous to youth on eBay). Furthermore, the plaintiff can and could provide no substantiated information, as a result of the behavior of the defendant. In particular, he could not specifically demonstrate that the same users and/or IP addresses for which he had made concrete claims with the defendant with respect to the photographic images at issue in this legal dispute, once again illegally uploaded those images. Only in this instance could a copyright infringement related to individual cases be present, on the basis of the details of the specific cases. As the defendant deprives the rights holder of the possibility of this type of evidence, she is removing the legal protection worthiness from her own business model.



This project has been **created** and is maintained by:

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Fax: +49 0211 15779938

USt-IdNr.: DE209362893

**Abuse-Management:** [abuse@rapidshare.de](mailto:abuse@rapidshare.de)

**Webmaster:** [webmaster@rapidshare.de](mailto:webmaster@rapidshare.de)

Illegal files will be removed immediately after notice. Furthermore we will add them to our file-filter, so they can't be uploaded again. Just write an e-mail to our abuse-management and give the exact links to the files.

http://whois.domaintools.com/rapidshare.de

Most Visited Getting Started

Rapidshare.de - rapidshare - Rapid5...

## Related Domains For Sale or At Auction

1 2 3 4 More &gt;

[RapidStamp.com](#) (\$1,988)Registrant Search: **"RapidTec" owns about 18 other domains**Email Search: [webmaster@rapidtec.de](mailto:webmaster@rapidtec.de) is associated with about 15 domainsWhois History: **1,304 records** have been archived since 2005-12-19Reverse IP: **1 other site is** hosted on this server.[Monitor This Domain Name](#)**DomainTools for Windows®**Now you can access domain ownership records anytime, anywhere... **right from your own desktop!** [Find out more >](#)

Domain: rapidshare.de  
 Domain-Ace: rapidshare.de  
 Nserver: nsa3.schlundtech.de  
 Nserver: nsb3.schlundtech.de  
 Nserver: nsc3.schlundtech.de  
 Nserver: nsd3.schlundtech.de  
 Status: connect  
 Changed: 2010-03-26T17:08:14+01:00

## [Tech-C]

Type: PERSON  
 Name: Christian Schmid  
 Organisation: RapidTec  
 Address: Tullastr. 4a  
 Pcode: 79341  
 City: Kenzingen  
 Country: DE  
 Phone: +49.21115779937  
 Fax: +49.21115779938  
 Email: [webmaster@rapidtec.de](mailto:webmaster@rapidtec.de)  
 Changed: 2006-12-09T18:01:43+01:00

## [Zone-C]

Type: PERSON  
 Name: Christian Schmid  
 Organisation: RapidTec  
 Address: Tullastr. 4a  
 Pcode: 79341  
 City: Kenzingen  
 Country: DE  
 Phone: +49.21115779937  
 Fax: +49.21115779938  
 Email: [webmaster@rapidtec.de](mailto:webmaster@rapidtec.de)  
 Changed: 2006-12-09T18:01:43+01:00

[Queue this Domain for Update](#)


## Country TLDs

## General TLDs

[rapidshare.com](#)  
[rapidshare.net](#)  
[rapidshare.org](#)  
[rapidshare.biz](#)  
[rapidshare.info](#)  
[rapidshare.us](#)

Exh. 9, Pg. 10





**GoDaddy #1 domain names**

\$7.49 .COM Domains - Save Today Inc:

Hosting, Blogcast, Email, More

☒ Remember Me?

[Help](#)
[Register](#)

Ads by Google

Google Analytics not set up for reporting

[Forum](#)
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[Community](#)
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Forum Business Legal Issues more Anti Piracy news - Rapidshare news

If this is your first visit, be sure to check out the **FAQ** by clicking the link above. You may have to **register** before you can post: click the register link above to proceed. To start viewing messages, select the forum that you want to visit from the selection below.

+ Reply to Thread

Results 1 to 2 of 2

## Thread: more Anti Piracy news - Rapidshare news

Thread Tools Search Thread

Nov 17th 2007 3:33 am

#1

Join Date: **Oct 2007**  
Posts: **394**

**ruffnat**  
Hand of A'dal

### more Anti Piracy news - Rapidshare news

RapidShare Kills Links of Suspected Copyright Infringers  
Hosting site has deleted more than 1,000 links.

By Sherri L. Shaulis

Posted: 4:05 PM PST Nov 07, 2007

DUESSELDORF, Germany - Links to copyrighted adult content posted in file-sharing forums by some of the most prolific users of one-click hosting site RapidShare have been rendered useless.

While moderators at RapidShare, which reportedly is operated from Switzerland by its German owner, traditionally has disabled single links following copyright-infringement complaints, this apparently is the first time the site has disabled all links posted by users suspected of copyright infringement. As of last week, some users who posted more than 650 links saw their accounts virtually shut down.

By Oct. 31, users ..... had received the message "This file has been deleted. Reason: This file is forbidden to be shared! Complaints received." when trying to open a link.

A poster known as "kuifje," who has posted more than 650 links, saw almost all of the links disabled. Other posters, some of whom also had posted hundreds of links, met the same fate.

"That may be due to a verdict of the Court of Appeals in Cologne, with which RapidShare ... was put out of liability in cases where they don't know where the URLs are being distributed," German attorney Daniel Koetz told AVN Online. "Once they know, they are obliged to scan the forums by themselves. ... They might have new scanning methods and are obliging the Cologne verdict."

Koetz sued RapidShare on behalf of a German photographer with the backing of 10 American photographers and filmmakers, while German-based music rights organization GEMA filed separate suits against RapidShare.com and RapidShare.de. The decisions held RapidShare liable for illegal and allegedly stolen material on its sites, despite the company's contention that it was not responsible because it did not post the material but simply hosted it.

RapidShare is owned by Christian Schmid of Germany. The site, by many accounts, is considered one of the largest resources for stolen motion-picture files, software, music, games and adult photos and videos.

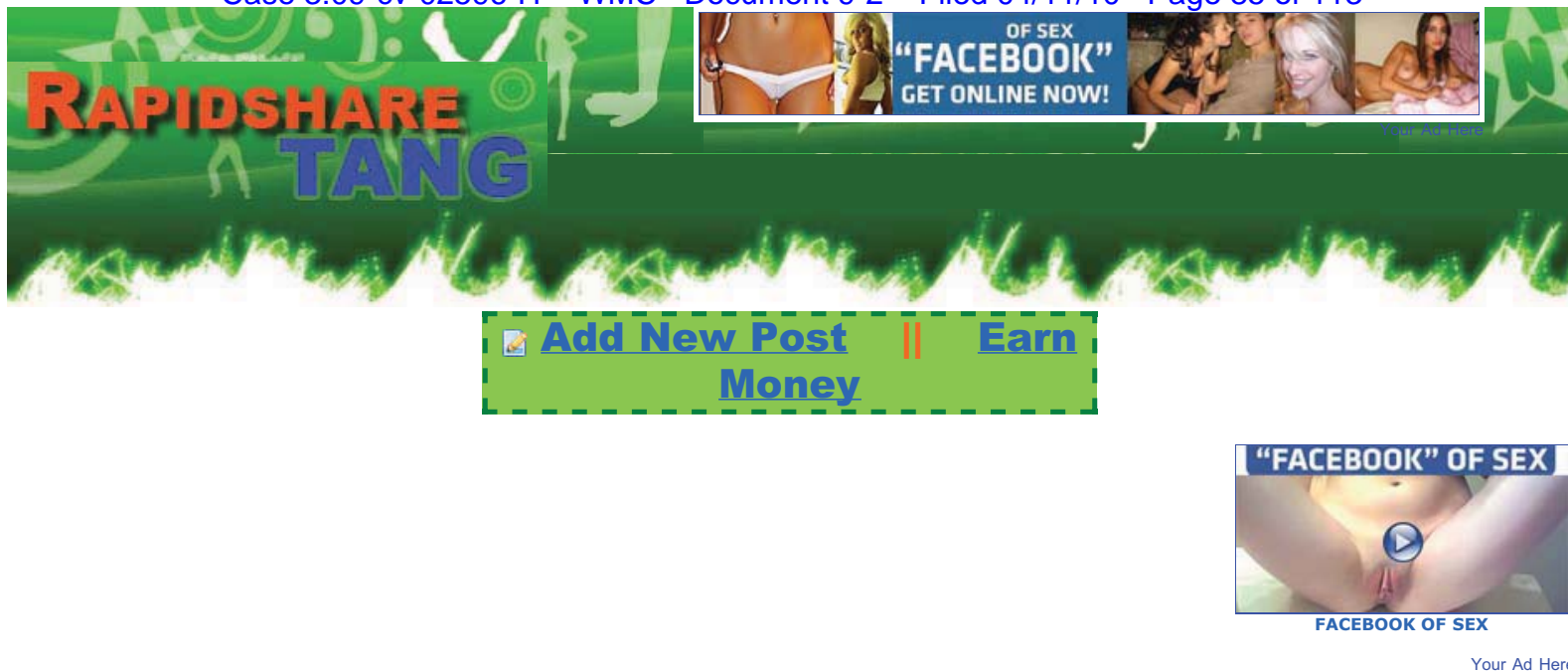
Powerful Text Link Ads

[www.Authoritydomains.com/Text-Links](http://www.Authoritydomains.com/Text-Links)

Ads by Google

A note on the site's page, however, warns users that "illegal files will be removed immediately after notice. Furthermore, we will add them to our file filter, so they can't be uploaded again."





The banner features the 'RAPIDSHARE TANG' logo on the left. To its right is a row of four small images: a person in a bikini, a person in a swimsuit, a group of people, and a person in a bikini. Below these images is a blue button that says 'OF SEX "FACEBOOK" GET ONLINE NOW!'. Below the button is a green bar with a dashed border containing the text 'Add New Post || Earn Money'. To the right of the green bar is a small image of a person's face with a play button icon, and below it is the text 'FACEBOOK OF SEX' and 'Your Ad Here'.

## Rapidshare



At our site you can download [rapidshare](#) movies, tv shows, anime, games, and music .

Rapidshare is a Best [world Internet service](#) provider based in Cham, Switzerland, based on the simple exchange of, especially larger ones, have specialized files) (known as SharePoint hosting. It is financed through fee-based "premium" access. According to own data is RapidShare with over 160 million files uploaded and **42 million daily visitors** , the world's largest file hosting services. The company with its (over 40 employees as at 23 February 2009) achieved an estimated **turnover of 5 million euros per month**. The founder of Rapidshare, Christian Schmid, stays in the background. The current CEO of the company is Bobby Chang.

The size of a uploaded file is on rapidshare.de 300 MB to 200 MB at rapidshare.com limited (as at February 2009). Premium users can [transfer files](#) with a size of up to 2000 MB for both upload and download services. The total disk capacity of the [server](#) is to RapidShare.com indicated that approximately 4.5 petabytes (4.5 million gigabytes) , the servers are connected to a data transfer rate of over 500 gigabits per second (as of Q1 2009) .

According to Alexa, Rapidshare.com is the 3-month average ranked 17 th most visited website in the world. (As at end June 2009)

In October 2006 the Company RapidShare AG, headquartered in Cham, Switzerland was founded, offering under the domain RapidShare.com a very similar service.

Shareholders are short including the CEO Bobby Chang, the holders of RapidShare.de Christian Schmid. after the formation appeared on the German side,

the message "Sorry, all the disks from RapidShare.de currently full", which for normal users without uploads were possible. Meanwhile, the German company offered to pay only uploads from customers. Meanwhile it is also for free users again possible. Both the server and the RapidShare.de RapidShare.com from their base in Germany.

On 18 January 2007 announced the PRS that she had obtained against the services RapidShare.de RapidShare.com and injunctions. With the ruling of 21 March 2007 confirmed this as well. In detail, it was concerned with the "unlawful use of works from the GEMA repertoire," says GEMA in a statement. According to GEMA RapidShare.de has promoted temporarily to the fact that were available up to 15 million files on their servers. The society, in particular, demanded an exact number of works from their repertoire that are located on the Rapidshare servers.

The Cologne Regional Court issued an injunction that forbade the company to make some specific [musical works continues](#) to publicly accessible. RapidShare kündigte daraufhin an, im Rahmen eines Widerspruchsverfahrens eine Aufhebung der Verfügung erwirken zu wollen. The managing director Robert Chang estimates the copyrighted files illegally shared on Rapidshare to download, at a low single [digit](#) percentage. "We delete all the pirated copies, which become known to us, we also use [software](#) to a filter and a team of staff abuse," Chang asserted.

On 21 March 2007 announced the Cologne district court that Rapidshare can be considered as part of his service with responsibility for copyright infringement and illegal use of works from GEMA's repertoire must control. A week later announced that the Swiss company to go to appeal. Chang is of the opinion that the district court "reject the applicant to address in the necessary depth with the details of the facts." We therefore hope to be able to clarify the situation in the second instance. Chang told heise online was justified by the fact that the ruling relates to the distribution of protected musical works, are provided to RapidShare but only files with any names provided, from which one can easily draw any conclusions regarding any underlying musical compositions.

In April 2007 Rapidshare submitted a negative declaration against GEMA. The Cham company wants to get clarity about the legal obligations of a web host for the prevention of copyright infringement.

In September 2007, the Higher Regional Court of Cologne found that Rapidshare remove copyrighted works from the server must, as soon as the [company gained knowledge](#) of specific violations. However, there is no comprehensive mandatory inspection by the file hosting services, as it exceeded the reasonable cost. Rapidshare must therefore act only on request. Both the PRS and Rapidshare welcomed the verdict.

## Immigrate to the USA

**Get a Green Card – Click Here!**



Pornstar Vids

Your Ad Here

**HOME LINK EXCHANGE SITEMAP RAPIDSHARE MOVIES GAMES EARN**  
**MONEY DONATIONS**

**Traffic Rank**  
 rapidsharetang.com  
**86,108**  
 Powered by Alexa

Games and Movies Rapidshare | Sitemap | Link Exchange | Friendly sites: Rapidshare Search Files, New Software 2009, Games Download, Free mp3 Music

# Exhibit 10

## Chilling Effects

Home | Weather Reports | Report Receiving  
Sending a C&D Notice | Search the Database | Topics

Monitoring the legal climate for Internet activity

Chilling Effects Clearinghouse &gt; Search

## Search Results:

Any contains rapidshare:



237 matching Notices found

Subject	Sender	Recipient	Date	Topic Area	Linked?
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 23, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 18, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 16, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 15, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 15, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 15, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 12, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 11, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 9, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 5, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	March 4, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	February 25, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	February 23, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	February 23, 2010	<a href="#">DMCA Notices</a>	
<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	February 22, 2010	<a href="#">DMCA Notices</a>	
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<a href="#">IFPI DMCA (Copyright) Complaint to Google</a>	IFPI	Google, Inc.	February 2, 2010	<a href="#">DMCA Notices</a>	
<a href="#">Music DMCA (Copyright) Complaint to Google</a>	Catskills Records	Google, Inc. [Blogger]	January 26, 2010	<a href="#">DMCA Notices</a>	
<a href="#">Autodata DMCA (Copyright) Complaint to Google</a>	Autodata Ltd.	Google, Inc.	January 25, 2010	<a href="#">DMCA Notices</a>	



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# Chilling Effects

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Sending a C&D Notice | Search the Database | Topics

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Monitoring the legal climate for Internet activity



[Chilling Effects Clearinghouse](#) > [DMCA Notices](#) > [Notices](#) > Titan Media DMCA (Copyright) Complaint to Google

Print-friendly

## Titan Media DMCA (Copyright) Complaint to Google

January 19, 2010

### Sender Information:

Titan Media  
Sent by: [Private]  
Io Group  
USA

### Recipient Information:

[Private]  
Google, Inc.  
Mountain View, CA, USA

Sent via: email

Re:

Dear Abuse Department:

I am general counsel and legal representative of Io Group, Inc. which does business under the name Titan Media. You are hereby given notice valid under the DMCA [copyright](#) infringement notification requirements, 17 U.S.C.512. I have previously faxed my signature to you and you should have it on file.

I am the designated agent of the owner of the copyrights of the images and audio/visual works listed below. I believe that the images and audio/visual works listed at the times cited below are being copied and distributed in a manner that has been not authorized by the owner of the copyrights, its agent or the law.

All of the infringements occur from the base url

<http://gboy69.blogspot.com>.

Links are to a location containing pirated versions of Io Group, Inc.'s copyrighted works. Please remove all links immediately.

Page: <http://gboy69.blogspot.com/2009/12/titanmen-funhouse.html>

Links to infringing files:

<http://rapidshare.com/files/326864303/Funhouse.avi.010>

<http://rapidshare.com/files/326864268/Funhouse.avi.005>

<http://rapidshare.com/files/326863697/Funhouse.avi.006>

### FAQ: Questions

- [Why does a search engine get DMCA takedown notices for materials in its search listings?](#)

### Other Recent C&Ds

- [Demand Media DMCA Complaint to Digg](#), Demand Media, March 29, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google](#), IFPI, March 26, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google](#), IFPI, March 25, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google](#), IFPI, March 25, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google](#), IFPI, March 23, 2010

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### Related News

- [We Don't Need No Stinkin' Court Order. We've Got the DMCA.](#), David Abrams, *Chilling Effects Clearinghouse*, March 11, 2010
- [YouTube Takes Down then Reinstates Video by Artist Using His Own Song](#), David Abrams, *Chilling Effects Clearinghouse*, March 9, 2010
- [Takedown Hall of Shame Debuts at Electronic Frontier Foundation](#), Rebecca Schoff, *Chilling Effects Clearinghouse*, November 5, 2009
- [BoingBoing brings a ray of sunshine to DMCA-chilled air](#), Wendy Seltzer, *Chilling Effects*, October 8, 2009
- [Veoh Survives Universal Music Group Copyright Infringement Suit](#), Rebecca Schoff, *Chilling Effects Clearinghouse*, September 17, 2009

### Other Topics

- [ACPA](#)
- [Anticircumvention \(DMCA\)](#)
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<http://rapidshare.com/files/326863037/Funhouse.avi.008>

<http://rapidshare.com/files/326863006/Funhouse.avi.004>

<http://rapidshare.com/files/326862988/Funhouse.avi.007>

<http://rapidshare.com/files/326862510/Funhouse.avi.013>

<http://hotfile.com/dl/22080418/db77ebd/Funhouse.avi.001.html>

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<http://hotfile.com/dl/22082536/559a030/Funhouse.avi.006.html>

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<http://hotfile.com/dl/22084820/8a80f4f/Funhouse.avi.011.html>

<http://hotfile.com/dl/22085253/51d268b/Funhouse.avi.012.html>

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[http://rapidshare.com/files/326087508/Titan\\_-\\_Island\\_Guardian.WMV.002](http://rapidshare.com/files/326087508/Titan_-_Island_Guardian.WMV.002)

[http://rapidshare.com/files/326087509/Titan\\_-\\_Island\\_Guardian.WMV.004](http://rapidshare.com/files/326087509/Titan_-_Island_Guardian.WMV.004)

[http://hotfile.com/dl/21897355/412091f/Titan\\_-\\_Island\\_Guardian.WMV.001.html](http://hotfile.com/dl/21897355/412091f/Titan_-_Island_Guardian.WMV.001.html)

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[http://hotfile.com/dl/21897445/84e9572/Titan-\\_Island\\_Guardian.WMV.006.html](http://hotfile.com/dl/21897445/84e9572/Titan-_Island_Guardian.WMV.006.html)

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[http://hotfile.com/dl/21054123/d47ca67/TM\\_-\\_H2O-RxS.avi.002.html](http://hotfile.com/dl/21054123/d47ca67/TM_-_H2O-RxS.avi.002.html)

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[http://hotfile.com/dl/21054357/e0a742f/TM\\_-\\_H2O-RxS.avi.004.html](http://hotfile.com/dl/21054357/e0a742f/TM_-_H2O-RxS.avi.004.html)

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[http://hotfile.com/dl/21053971/10f671c/TM\\_-\\_H2O-RxS.avi.007.html](http://hotfile.com/dl/21053971/10f671c/TM_-_H2O-RxS.avi.007.html)

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[http://hotfile.com/dl/21054316/4854350/TM\\_-\\_H2O-RxS.avi.009.html](http://hotfile.com/dl/21054316/4854350/TM_-_H2O-RxS.avi.009.html)

[http://hotfile.com/dl/21054410/036a321/TM\\_-\\_H2O-RxS.avi.010.html](http://hotfile.com/dl/21054410/036a321/TM_-_H2O-RxS.avi.010.html)

[http://hotfile.com/dl/21054503/e2f86f1/TM\\_-\\_H2O-RxS.avi.011.html](http://hotfile.com/dl/21054503/e2f86f1/TM_-_H2O-RxS.avi.011.html)

[http://hotfile.com/dl/21054604/2bbe414/TM-\\_H2O-RxS.avi.012.html](http://hotfile.com/dl/21054604/2bbe414/TM-_H2O-RxS.avi.012.html)

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[http://hotfile.com/dl/16424551/7da2c83/FP\\_2008\\_by\\_daimen.part5.rar.html](http://hotfile.com/dl/16424551/7da2c83/FP_2008_by_daimen.part5.rar.html)

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[http://hotfile.com/dl/15228180/ebd41ac/Titan20-20Full20Access20\(2009.8\).wmv.003.html](http://hotfile.com/dl/15228180/ebd41ac/Titan20-20Full20Access20(2009.8).wmv.003.html)

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[http://hotfile.com/dl/15228217/756f3f7/Titan20-20Full20Access20\(2009.8\).wmv.005.html](http://hotfile.com/dl/15228217/756f3f7/Titan20-20Full20Access20(2009.8).wmv.005.html)

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[http://hotfile.com/dl/15228240/451e59b/Titan20-20Full20Access20\(2009.8\).wmv.007.html](http://hotfile.com/dl/15228240/451e59b/Titan20-20Full20Access20(2009.8).wmv.007.html)

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[http://hotfile.com/dl/15228265/71a31ef/Titan20-20Full20Access20\(2009.8\).wmv.009.html](http://hotfile.com/dl/15228265/71a31ef/Titan20-20Full20Access20(2009.8).wmv.009.html)

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[http://rapidshare.com/files/294968491/Titan\\_-\\_Full\\_Access\\_\\_2009.8\\_.wmv.005](http://rapidshare.com/files/294968491/Titan_-_Full_Access__2009.8_.wmv.005)

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On behalf of Io Group Inc., I demand that upon receipt of this notification of claimed infringement you expeditiously remove, or disable access to, the above claimed infringing material or links and any other Titan Media property.

I certify under penalty of perjury that I have a good faith belief that the information contained in this notification is accurate to the best of my knowledge and that I am authorized to act on behalf of the owner of the aforementioned copyright protected materials.

Please advise me when the offending images have been removed so that we may re-inspect the site for compliance.

Sincerely,

\*/s/ [redacted]

[redacted] \*

General Counsel, Titan Media

## FAQ: Questions and Answers

[\[back to notice text\]](#)

### **Question: Why does a search engine get DMCA takedown notices for materials in its search listings?**

**Answer:** Many copyright claimants are making complaints under the Digital Millennium Copyright Act, Section 512(d), a safe-harbor for providers of "information location tools." These safe harbors give providers immunity from liability for users' possible copyright infringement -- if



# Chilling Effects

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## Hachette Takes Hatchet to Copied Book Listings, via Attributor

July 12, 2009

### Sender Information:

Hachette Book Group  
Sent by: [Private]  
Attributor Corp.

### Recipient Information:

Google, Inc.

Mountain View, CA, USA

Sent via: email

**Re: Unauthorized Use of Hachette Book Group Material: GOOGHBG1**

Dear Sir/Madam,

I certify under penalty of perjury, that I am an agent authorized to act on behalf of the owner of the intellectual property rights and that the information contained in this notice is accurate.

I have a good faith belief that the pages or materials listed below is not

### FAQ: Questions

- [Why does a search engine get DMCA takedown notices for materials in its search listings?](#)

### Other Recent C&Ds

- [Web Sheriff DMCA \(Copyright\) Complaint to Google, Magnolia Pictures](#), February 11, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google](#), IFPI, February 10, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google](#), IFPI/RIAA, February 9, 2010
- [RIAA DMCA \(Copyright\) Complaint to Google](#), RIAA, February 3, 2010
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- [Veoh Survives Universal Music Group Copyright Infringement Suit](#), Rebecca Schoff, *Chilling Effects Clearinghouse*, September 17, 2009

### Other Topics

- [ACPA](#)
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authorized by law for use by the individual(s) associated with the identified page listed below or their agents and therefore infringes the copyright owner's rights.

THE INFRINGING PAGE/MATERIAL IS INDEXED AND PRESENT IN YOUR SEARCH ENGINE

AND I HEREBY DEMAND THAT YOU ACT EXPEDITIOUSLY TO REMOVE THE PAGE FROM YOUR INDEX.

This notice is sent pursuant to the Digital Millennium Copyright Act (DMCA), the European Union's Directive on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society (2001/29/EC), and/or other laws and regulations relevant in European Union member states or other jurisdictions.

My contact information is as follows:

Organization name: Contributor Corporation As Agent for Hachette Book Group

Full: [private]

Email: [private]@contributor.com

Phone: [private]

Mailing address:

Contributor, Inc.

[private]

Redwood City, CA 94061

**\* INFRINGING PAGE OR MATERIAL \***

Infringing pages/materials that I demand be disabled or removed in consideration of the above:

Infringing Title: Me Talk Pretty One Day

Infringing URL:

[http://4shared.com/file/77294778/15f7e9bf/Me\\_Talk\\_Pretty\\_One\\_Day.html](http://4shared.com/file/77294778/15f7e9bf/Me_Talk_Pretty_One_Day.html)

Infringing Title: Lucky

Infringing URL:

[http://4shared.com/file/77746585/ed0ec02a/Alice\\_Sebold-Lucky.html](http://4shared.com/file/77746585/ed0ec02a/Alice_Sebold-Lucky.html)

Infringing Title: The Lovely Bones

Infringing URL:

[http://4shared.com/file/77746586/74079190/Alice\\_Sebold-The\\_Lovely\\_Bones.html](http://4shared.com/file/77746586/74079190/Alice_Sebold-The_Lovely_Bones.html)

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[http://4shared.com/file/82280542/e49104e0/A276-Alice\\_Sebold-The\\_Lovely\\_Bones.html](http://4shared.com/file/82280542/e49104e0/A276-Alice_Sebold-The_Lovely_Bones.html)

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- [Uncategorized](#)

This Topic: [DMCA Notices](#)

[Topic Frequently Asked Questions \(and Answers\)](#)

Infringing URL:

[http://4shared.com/file/84608129/2f95c630/Alice\\_Sebold\\_-\\_Lovely\\_Bones.html](http://4shared.com/file/84608129/2f95c630/Alice_Sebold_-_Lovely_Bones.html)

Infringing Title: The Catcher in the Rye

Infringing URL:

[http://4shared.com/file/87988074/dd5fc776/JD\\_Salinger\\_The\\_Catcher\\_in\\_the\\_Rye.html](http://4shared.com/file/87988074/dd5fc776/JD_Salinger_The_Catcher_in_the_Rye.html)

Infringing Title: The Collector

Infringing URL:

[http://4shared.com/file/96134331/70974f4a/John\\_Fowles\\_-\\_The\\_Collector.html](http://4shared.com/file/96134331/70974f4a/John_Fowles_-_The_Collector.html)

Infringing Title: Midnight Sun

Infringing URL:

<http://4shared.com/get/70426986/b16ed174/45573.html?jsessionid=A54FCF850F2ACFF49BE32C7C16067773.dc90>

Infringing Title: Blink: The power of thinking without thinking

Infringing URL:

[http://rapidshare.com/files/103515683/Blink\\_the\\_power\\_of\\_thinking\\_without\\_thinking\\_-\\_Malcolm\\_Gladwell.pdf](http://rapidshare.com/files/103515683/Blink_the_power_of_thinking_without_thinking_-_Malcolm_Gladwell.pdf)

Infringing Title: The Overlook

Infringing URL:

<http://rapidshare.com/files/105241358/0253.part1.rar>

Infringing Title: The Overlook

Infringing URL:

<http://rapidshare.com/files/105242729/0253.part2.rar>

Infringing Title: The Overlook

Infringing URL:

<http://rapidshare.com/files/105242839/0253.part3.rar>

Infringing Title: The Overlook

Infringing URL:

<http://rapidshare.com/files/105246049/0253.part4.rar>

Infringing Title: The Ice Storm Smokey

Infringing URL:

[http://rapidshare.com/files/110592444/The\\_Ice\\_Storm-smokey888-.part8.rar](http://rapidshare.com/files/110592444/The_Ice_Storm-smokey888-.part8.rar)

Infringing Title: The Ice Storm Smokey

Infringing URL:

[http://rapidshare.com/files/110592508/The\\_Ice\\_Storm-smokey888-.part7.rar](http://rapidshare.com/files/110592508/The_Ice_Storm-smokey888-.part7.rar)

Infringing Title: The Ice Storm Smokey

Infringing URL:

[http://rapidshare.com/files/110592526/The\\_Ice\\_Storm-smokey888-.part6.rar](http://rapidshare.com/files/110592526/The_Ice_Storm-smokey888-.part6.rar)

Infringing Title: The Ice Storm Smokey

Infringing URL:

[http://rapidshare.com/files/110592528/The\\_Ice\\_Storm-smokey888-.part2.rar](http://rapidshare.com/files/110592528/The_Ice_Storm-smokey888-.part2.rar)

Infringing Title: The Ice Storm Smokey

Infringing URL:

[http://rapidshare.com/files/110592531/The\\_Ice\\_Storm-smokey888-.part5.rar](http://rapidshare.com/files/110592531/The_Ice_Storm-smokey888-.part5.rar)

Infringing Title: The Ice Storm Smokey

Infringing URL:

[http://rapidshare.com/files/110592536/The\\_Ice\\_Storm-smokey888-.part1.rar](http://rapidshare.com/files/110592536/The_Ice_Storm-smokey888-.part1.rar)

Infringing Title: The Ice Storm Smokey

Infringing URL:

[http://rapidshare.com/files/110592551/The\\_Ice\\_Storm-smokey888-.part3.rar](http://rapidshare.com/files/110592551/The_Ice_Storm-smokey888-.part3.rar)

Infringing Title: The Ice Storm Smokey

Infringing URL:

[http://rapidshare.com/files/110592552/The\\_Ice\\_Storm-smokey888-.part4.rar](http://rapidshare.com/files/110592552/The_Ice_Storm-smokey888-.part4.rar)

Infringing Title: Once Bitten Twice Shy

Infringing URL:

[http://rapidshare.com/files/110744383/jennifer\\_rardin\\_-\\_jaz\\_parks\\_1\\_-\\_once\\_bitten\\_twice\\_shy\\_.html.rar](http://rapidshare.com/files/110744383/jennifer_rardin_-_jaz_parks_1_-_once_bitten_twice_shy_.html.rar)

Infringing Title: Biting the Bullet

Infringing URL:

[http://rapidshare.com/files/110744703/jennifer\\_rardin\\_-\\_jaz\\_parks\\_3\\_-\\_biting\\_the\\_bullet\\_.html.rar](http://rapidshare.com/files/110744703/jennifer_rardin_-_jaz_parks_3_-_biting_the_bullet_.html.rar)

Infringing Title: Another One Bites the Dust

Infringing URL:

[http://rapidshare.com/files/110744704/jennifer\\_rardin\\_jaz\\_parks\\_series\\_book\\_2\\_another\\_one\\_bites\\_the\\_dust\\_.ht](http://rapidshare.com/files/110744704/jennifer_rardin_jaz_parks_series_book_2_another_one_bites_the_dust_.ht)

Infringing Title: Brideshead Revisited

Infringing URL:

<http://rapidshare.com/files/112445515/0735.part1.rar>

Infringing Title: Brideshead Revisited

Infringing URL:

<http://rapidshare.com/files/112447661/0735.part2.rar>

Infringing Title: Brideshead Revisited

Infringing URL:

<http://rapidshare.com/files/112449945/0735.part3.rar>

Infringing Title: Blink: The power of thinking without thinking

Infringing URL:



# Chilling Effects

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Sending a C&D Notice | Search the Database | Topics

Topic Home | FAQs

Monitoring the legal climate for Internet activity



[Chilling Effects Clearinghouse](#) > [DMCA Notices](#) > [Notices](#) > Music DMCA (Copyright) Complaint to Google

Print-friendly

## Music DMCA (Copyright) Complaint to Google

### FAQ: Questions

- [Why does a web host or blogging service provider get DMCA takedown notices?](#)

### Other Recent C&Ds

- [Demand Media DMCA Complaint to Digg, Demand Media, March 29, 2010](#)
  - [IFPI DMCA \(Copyright\) Complaint to Google, IFPI, March 26, 2010](#)
  - [IFPI DMCA \(Copyright\) Complaint to Google, IFPI, March 25, 2010](#)
  - [IFPI DMCA \(Copyright\) Complaint to Google, IFPI, March 25, 2010](#)
  - [IFPI DMCA \(Copyright\) Complaint to Google, IFPI, March 23, 2010](#)
- [more](#)

### Related News

- [We Don't Need No Stinkin' Court Order. We've Got the DMCA.](#), David Abrams, *Chilling Effects Clearinghouse*, March 11, 2010
- [YouTube Takes Down then Reinstates Video by Artist Using His Own Song.](#), David Abrams, *Chilling Effects Clearinghouse*, March 9, 2010
- [Takedown Hall of Shame Debuts at Electronic](#)

August 12, 2009

#### Sender Information:

Stones Throw Records LLC  
Sent by:

US

#### Recipient Information:

Google, Inc. [Blogger]

Mountain View, CA, 94043, USA

Sent via: online form

#### Re: Infringement Notification for Blogger

Web Form [DMCA Complaint](#) Submitted by: Stones Throw Records LLC

#### YOUR COPYRIGHTED WORK

Location of copyrighted work (where your authorized work is located):

<http://www.stonesthrow.com>

What is the copyrighted work?:

Digital audio files, title: A Strange Arrangement

#### LOCATION OF INFRINGING MATERIAL

Location (URL) of infringing material in the catalog.

<http://lunchmatic.blogspot.com/2009/08/mayer-hawthorne-strange-arrangement.html>

<http://hiphopalbumdownloads.blogspot.com/2009/06/j-dilla.html>

<http://hiphopalbumdownloads.blogspot.com/2009/06/lootpack.html>

<http://auxports.blogspot.com/2009/08/mayer-hawthorne-strange-arrangement.html>

<http://undergrounddirtnap.blogspot.com/2009/08/jaylib-thered-vls-2003.html>

<http://undergrounddirtnap.blogspot.com/2009/07/talib-kweli-madlib-liberation-2006.html>

<http://undergrounddirtnap.blogspot.com/2009/08/guilty-simpson-madlib-coroners-musicoj.html>

<http://undergrounddirtnap.blogspot.com/2009/07/madlib-beatconductavol5.html>

<http://findasoul4sale.blogspot.com/2009/08/yesterdays-new-quintet-stevie.html>

[http://findasoul4sale.blogspot.com/2007/12/j-dilla-shining\\_18.html](http://findasoul4sale.blogspot.com/2007/12/j-dilla-shining_18.html)

<http://djapit-musikdjapit2.blogspot.com/2009/08/amnesty-free-your-mind-700-west.html>

Location (URL) of infringing third party content that the blog is linking to.

[http://www.gigaup.fr/get\\_file/TQ3EGTMNW4/Amnesty%20-%20Free%20Your%20Mind%20The%20700%20West%20Sessions%20%281973%29-rar.html](http://www.gigaup.fr/get_file/TQ3EGTMNW4/Amnesty%20-%20Free%20Your%20Mind%20The%20700%20West%20Sessions%20%281973%29-rar.html)

[http://www.gigaup.fr/get\\_file/SFR75TYMTL/Michael%20Liggins%20And%20The%20Super%20Souls%20%20We%20The%20People%20-%20Loaded%20To%20The%20Gills%20-%20Function%20Underground%20%281970%29-rar.html](http://www.gigaup.fr/get_file/SFR75TYMTL/Michael%20Liggins%20And%20The%20Super%20Souls%20%20We%20The%20People%20-%20Loaded%20To%20The%20Gills%20-%20Function%20Underground%20%281970%29-rar.html)

[http://www.gigaup.fr/get\\_file/0YJ0PWLYBL/The%20L-A-%20Carnival%20-%20Would%20Like%20To%20Pose%20A%20Question%20%282003%29-rar.html](http://www.gigaup.fr/get_file/0YJ0PWLYBL/The%20L-A-%20Carnival%20-%20Would%20Like%20To%20Pose%20A%20Question%20%282003%29-rar.html)

[http://www.gigaup.fr/get\\_file/N9KPSN0SFE/Beat%20Konducta%20Vol-%200%20-%20%20Earth%20Sounds%20%282001%29-rar.html](http://www.gigaup.fr/get_file/N9KPSN0SFE/Beat%20Konducta%20Vol-%200%20-%20%20Earth%20Sounds%20%282001%29-rar.html)

[http://www.gigaup.fr/get\\_file/DMXV1V7X90/Rhythm%20Machine%20%20-%20Rhythm%20Machine%20%281976%29-rar.html](http://www.gigaup.fr/get_file/DMXV1V7X90/Rhythm%20Machine%20%20-%20Rhythm%20Machine%20%281976%29-rar.html)

[http://www.gigaup.fr/get\\_file/E9NZEZOG87/The%20Soul%20Seven%20-%20Everything%20Is%20Everything%20With%20The%20Soul%20Seven%20%281970%29-rar.html](http://www.gigaup.fr/get_file/E9NZEZOG87/The%20Soul%20Seven%20-%20Everything%20Is%20Everything%20With%20The%20Soul%20Seven%20%281970%29-rar.html)

[http://rapidshare.com/files/267730911/The\\_Whitefield\\_Brothers\\_-In\\_The\\_Raw\\_\\_2009.rar.html](http://rapidshare.com/files/267730911/The_Whitefield_Brothers_-In_The_Raw__2009.rar.html)

[http://www.gigaup.fr/get\\_file/L3YGWCUJOC/Art%20Class%20-%20%20Masterpieces%20from%20the%20Soul-Cal%20%26%20Now-Again%20Catalogs%20%282008%29-rar.html](http://www.gigaup.fr/get_file/L3YGWCUJOC/Art%20Class%20-%20%20Masterpieces%20from%20the%20Soul-Cal%20%26%20Now-Again%20Catalogs%20%282008%29-rar.html)

[http://rapidshare.com/files/267469517/Science\\_Class\\_-Heavy\\_Funk\\_\\_Raw\\_Disco\\_Soul\\_\\_2007.rar.html](http://rapidshare.com/files/267469517/Science_Class_-Heavy_Funk__Raw_Disco_Soul__2007.rar.html)

[http://www.gigaup.fr/get\\_file/RXF4B49APX/The%20Sand%20Dollars%20feat-%20Chris%20Manak%20-%20Get%20Thy%20Bearings%20%282003%29-rar.html](http://www.gigaup.fr/get_file/RXF4B49APX/The%20Sand%20Dollars%20feat-%20Chris%20Manak%20-%20Get%20Thy%20Bearings%20%282003%29-rar.html)

[http://www.gigaup.fr/get\\_file/6SIUM75JSI/Carleen%20%26%20The%20Groovers%20-%20Can%20We%20Rap%20%281971%29-rar.html](http://www.gigaup.fr/get_file/6SIUM75JSI/Carleen%20%26%20The%20Groovers%20-%20Can%20We%20Rap%20%281971%29-rar.html)

[http://www.gigaup.fr/get\\_file/9YFAVNOH8A/Koushik%20-%20Now-Again%20Music%20Library%20Vol-%2003%20-%20Koushik%20Vs-%20Now-Again%20%282008%29-rar.html](http://www.gigaup.fr/get_file/9YFAVNOH8A/Koushik%20-%20Now-Again%20Music%20Library%20Vol-%2003%20-%20Koushik%20Vs-%20Now-Again%20%282008%29-rar.html)

[http://rapidshare.com/files/267503668/Oh\\_No\\_Vs.Percee\\_P\\_-\\_Now-Again\\_Music\\_Library\\_Vol.\\_02\\_-\\_Oh\\_No\\_Vs.\\_Percee\\_P\\_\\_2008.rar.html](http://rapidshare.com/files/267503668/Oh_No_Vs.Percee_P_-_Now-Again_Music_Library_Vol._02_-_Oh_No_Vs._Percee_P__2008.rar.html)

[http://www.gigaup.fr/get\\_file/M4TFHCWB0/Oh%20No%20-%20Now-Again%20Music%20Library%20Vol-%2001%20-%20Oh%20No%20Vs-%20Now-Again%20%282007%29-rar.html](http://www.gigaup.fr/get_file/M4TFHCWB0/Oh%20No%20-%20Now-Again%20Music%20Library%20Vol-%2001%20-%20Oh%20No%20Vs-%20Now-Again%20%282007%29-rar.html)

[http://hotfile.com/dl/7407984/e32189c/Lootpack\\_-Lost\\_Tapes\\_\\_2004.rar.html](http://hotfile.com/dl/7407984/e32189c/Lootpack_-Lost_Tapes__2004.rar.html)

<http://depositfiles.com/en/files/ck7argioe>

<http://www.megaupload.com/?d=Y1VZFLUV>

<http://rapidshare.com/files/267666876/mfdmlhqh.rar>

<http://www.megaupload.com/?d=GOXGLZE7>

<http://rapidshare.com/files/241659091/jdjsphqh.rar>

[http://rapidshare.com/files/267606514/L\\_-TA\\_\\_VLS\\_-\\_320.rar](http://rapidshare.com/files/267606514/L_-TA__VLS_-_320.rar)

[http://rapidshare.com/files/238393739/J\\_Dilla-Jay\\_Stay\\_Paid-2009-WHOA.rar](http://rapidshare.com/files/238393739/J_Dilla-Jay_Stay_Paid-2009-WHOA.rar)

[http://rapidshare.com/files/6974885/MF\\_Doom\\_-\\_MM\\_Leftovers.rar.html](http://rapidshare.com/files/6974885/MF_Doom_-_MM_Leftovers.rar.html)

[http://www.rapidshare.com/files/122475404/QUASIMOTO\\_-\\_THE\\_FURTHER\\_ADVENTURES\\_OF\\_LORD\\_QUAS.rar](http://www.rapidshare.com/files/122475404/QUASIMOTO_-_THE_FURTHER_ADVENTURES_OF_LORD_QUAS.rar)

<http://www.sendspace.com/file/h0ca3x>

<http://rapidshare.com/files/266902987/SC3NE.rar>

<http://rapidshare.com/files/266912027/1NDI4.rar>

**DMCA  
Notices**

**Topic  
Frequently  
Asked  
Questions  
(and  
Answers)**

<http://rapidshare.com/files/266927734/DILL4.rar>

<http://www.sendspace.com/file/0bhdsv>

<http://www.mediafire.com/?rmunyumklrm>

[http://rapidshare.com/files/249385319/Quasimoto\\_-\\_The\\_Unseen.rar.html](http://rapidshare.com/files/249385319/Quasimoto_-_The_Unseen.rar.html)

[http://rapidshare.com/files/267311361/Yesterdays\\_New\\_Quintet\\_-\\_Stevie\\_-\\_2004.rar](http://rapidshare.com/files/267311361/Yesterdays_New_Quintet_-_Stevie_-_2004.rar)

[http://rapidshare.com/files/87574546/AG-GetDirtyRadio\\_FindaSoul4Sale.Blogspot.Com.txt](http://rapidshare.com/files/87574546/AG-GetDirtyRadio_FindaSoul4Sale.Blogspot.Com.txt)

<http://massmirror.com/b19ddca124e7898409012be6ae70be1d.html>

[http://rapidshare.com/files/87082370/MMFood\\_FindaSoul4Sale.blogspot.Com.txt](http://rapidshare.com/files/87082370/MMFood_FindaSoul4Sale.blogspot.Com.txt)

[http://rapidshare.com/files/2552538/Madlib\\_-\\_Shades\\_of\\_Blue.rar](http://rapidshare.com/files/2552538/Madlib_-_Shades_of_Blue.rar)

[http://rapidshare.com/files/266970461/Jaylib-The\\_Red-VLS-2003-CMS.rar.html](http://rapidshare.com/files/266970461/Jaylib-The_Red-VLS-2003-CMS.rar.html)

<http://www.mediafire.com/?02dymh2xmdd>

<http://rapidshare.com/files/262831407/gi.zip>

<http://rapidshare.com/files/253731670/MBKV56ATTD09C4.rar.html>

<http://www.divshare.com/download/8180548-64f>

<http://www.megaupload.com/?d=ak23rf4y>

[http://rapidshare.com/files/178064005/Jay\\_De-Vintage\\_\\_Unreleased\\_Instrumentals\\_-2003.rar](http://rapidshare.com/files/178064005/Jay_De-Vintage__Unreleased_Instrumentals_-2003.rar)

<http://www.mediafire.com/?1y2uzzx2em>

<http://odsiebie.com/pokaz/4601958---814f.html>

#### Sworn Statements

I have a good faith belief that use of the copyrighted materials described above as allegedly infringing is not authorized by the copyright owner, its agent, or the law. [checked]

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed. [checked]

Signature

Signed on this date of:

August 12, 2009

Signature:

[Private]

#### FAQ: Questions and Answers

[\[back to notice text\]](#)

#### Question: Why does a web host or blogging service provider get DMCA takedown notices?

**Answer:** Many copyright claimants are making complaints under the Digital Millennium Copyright Act, Section 512(c) in a safe-harbor for hosts of "Information Residing on Systems or Networks At Direction of Users." This safe harbors give providers immunity from liability for users' possible copyright infringement -- if they "expeditiously" remove material when they get complaints. Whether or not the provider would have been liable for infringement by materials its users post, the provider can avoid the possibility of a lawsuit for money damages by following the DMCA's takedown procedure when it gets a complaint. The person whose information was removed can file a counter-notification if he or she believes the complaint was erroneous.

#### Question: What does a service provider have to do in order to qualify for safe

Exh. 10, Pg. 12

# Chilling Effects

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## Movie: DMCA (Copyright) Complaint to Google

### FAQ: Questions

- [Why does a search engine get DMCA takedown notices for materials in its search listings?](#)

### Other Recent C&Ds

- [Demand Media DMCA Complaint to Digg, Demand Media](#), March 29, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google, IFPI](#), March 26, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google, IFPI](#), March 25, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google, IFPI](#), March 25, 2010
- [IFPI DMCA \(Copyright\) Complaint to Google, IFPI](#), March 23, 2010 [more](#)

### Related News

- [We Don't Need No Stinkin' Court Order. We've Got the DMCA.](#), David Abrams, *Chilling Effects Clearinghouse*, March 11, 2010
- [YouTube Takes Down then Reinstates Video by Artist Using His Own Song](#), David Abrams, *Chilling Effects Clearinghouse*, March 9, 2010
- [Takedown Hall](#)

January 4, 2010

#### Sender Information:

Twentieth Century Fox Film Corp (Avatar)  
Sent by:

Los Angeles, CA, USA

#### Recipient Information:

Google, Inc.

Mountain View, CA, USA

Sent via: email

#### Re: URGENT Notice of Copyright Infringement - Google Search Results for AVATAR

Ticket Id: 563234754

Attention Google:

On behalf of Twentieth Century Fox Film Corporation and/or its subsidiaries and affiliated companies ("Fox"), I am writing to notify you of the infringement of Fox's intellectual property rights in the above-referenced motion picture in Google Search results.

Demand is hereby made that Google take immediate action to stop such infringements.

The search results and links identified in the attached spreadsheet are specific examples of Google search results linking to video files and websites that infringe upon Fox's intellectual property rights.

Fox hereby demands that Google promptly remove and disable the links to all unauthorized copies of works whose **copyrights** are owned by Fox of which it is aware, including the infringing files identified in the attached spreadsheet.

This letter is not a complete statement of Fox's rights in connection with this matter, and nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Fox in connection with this matter, all of which are expressly reserved. We appreciate your prompt attention to this important matter.

The undersigned has a good faith belief that use of the materials in the manner described herein is not authorized by Fox, its agent, or the law. The information in this notice is accurate. Under penalty of perjury, the undersigned is authorized to act on behalf of Fox with respect to this matter.

Kind regards,

[redacted]  
Manager, Online Enforcement  
Content Protection  
Fox Group Legal  
2121 Avenue of the Stars, 7th FL  
Los Angeles, CA 90067  
o: [redacted]  
[redacted]@fox.com  
Piracy tips: [redacted]@fox.com

Avatar 562751717 and 563234754 Removed  
<http://100bit.ru/video/78728-avatar-avatar-2009ts-property-.html>



<http://rapidpiracy.com/index.php?/topic/146304-avatar-2009-xvid-supr-quality/>  
<http://rapidpiracy.com/index.php?/topic/148082-avatar-2009-proper-ts-xvid-reuploadedexcellent-print-till-now/>  
<http://rapidpiracy.com/index.php?/topic/148266-avatar-ts-xvid-devise/>  
<http://rapidpiracy.com/index.php?/topic/148800-avatar-2009-ts-xvid-assassinz/>  
<http://rapidrise.org/showthread.php?p=160125>  
<http://rapidshare.myblogg.se/movies/avatar-2009-telesync-xvid-camelot.html>  
<http://rapidshare.net/dl/852538/Sample1.html>  
<http://rapidshare.net/dl/872865/Avatar-2009-CAM-www-amaderforum-com-avi.html>  
<http://rapidshare.net/dl/874998/Avatar-MKV.html>  
<http://rapidshare.net/dl/875161/Avatar-2009-TELESYNC-XviD-CAMELOT-Meru.html>  
<http://rapidshare.net/dl/879056/fwint-com-wbz-avatar-ts.html>  
<http://rapidshare.net/dl/885195/Avatar-2009-TELESYNC-Warezusa-org.html>  
<http://rapidshare.net/dl/926174/Avatar-2009-TELESYNC-720P-X264-PrisM-rar.html>  
<http://rapidshare.net/dl/968115/Avatar-2009-TS-XviD-XV2-1.html>  
<http://rapidshare.overget.com/movies/avatar-2009-cam-dual-audio-xvid-team-mafia-63814.html>  
<http://rapidshare.overget.com/movies/avatar-2009-camrip-xvid-63184.html>  
<http://rapidshare.overget.com/movies/avatar-2009-proper-telesync-xvid-hq-camelot-65800.html>  
<http://rapidshare.overget.com/movies/avatar-2009-proper-ts-xvid-coaster-65756.html>  
<http://rapidshare.overget.com/movies/avatar-2009-russian-cam-xvid-elektri4ka-63721.html>  
<http://rapidshare.overget.com/movies/avatar-2009-russian-cam-xvid-elektri4ka-64187.html>  
<http://rapidshare.overget.com/movies/avatar-2009-telesync-720x304-shaanig-64602.html>  
<http://rapidshare.overget.com/movies/avatar-2009-telesync-xvid-camelot-63841.html>  
<http://rapidshare.overget.com/movies/avatar-2009-ts-cam-jambo-65755.html>  
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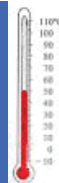
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# Chilling Effects

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Monitoring the legal climate for Internet activity



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Print-friendly

## Fox Demands Google Takedown of "It's Always Sunny in Philadelphia"

December 15, 2009

### Sender Information:

20th Century Fox  
Sent by: Manager, Online Enforcement Content Protection  
Fox Group Legal

### Recipient Information:

Google, Inc.

Mountain View, CA, USA

Sent via: email

**Re: URGENT Notice of Copyright Infringement - Google Search Results for IT'S ALWAYS SUNN**

Attention Google:

On behalf of Twentieth Century Fox Film Corporation and/or its subsidiaries and affiliated companies ("Fox"), I am writing to notify you of the infringement of Fox's intellectual property rights in the above-referenced television series in Google Search results.

Demand is hereby made that Google take immediate action to stop such infringements.

The search results and links identified in the attached spreadsheet are specific examples of Google search results linking to illegal video files and websites that infringe upon Fox's intellectual property rights.

Fox hereby demands that Google promptly remove and disable the links to all unauthorized copies of works whose **copyrights** are owned by Fox of which it is aware, including the infringing files identified in the attached spreadsheet.

This letter is not a complete statement of Fox's rights in connection with this matter, and nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Fox in connection with this matter, all of which are expressly reserved. We appreciate your prompt attention to this important matter.

The undersigned has a good faith belief that use of the materials in the manner described herein is not authorized by Fox, its agent, or the law. The information in this notice is accurate. Under penalty of perjury, the undersigned is authorized to act on behalf of Fox with respect to this matter.

Sincerely,

[private]  
Manager, Online Enforcement  
Content Protection  
Fox Group Legal  
[private]  
Los Angeles, CA 90067  
[private]

### FAQ: Questions

- [Why does a search engine get DMCA takedown notices for materials in its search listings?](#)

### Other Recent C&Ds

- [Demand Media DMCA Complaint to Digg, Demand Media](#), March 29, 2010
  - [IFPI DMCA \(Copyright\) Complaint to Google, IFPI](#), March 26, 2010
  - [IFPI DMCA \(Copyright\) Complaint to Google, IFPI](#), March 25, 2010
  - [IFPI DMCA \(Copyright\) Complaint to Google, IFPI](#), March 25, 2010
  - [IFPI DMCA \(Copyright\) Complaint to Google, IFPI](#), March 23, 2010
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### Related News

- [We Don't Need No Stinkin' Court Order. We've Got the DMCA.](#), David Abrams, *Chilling Effects Clearinghouse*, March 11, 2010
- [YouTube Takes Down then Reinstates Video by Artist Using His Own Song.](#), David Abrams, *Chilling Effects Clearinghouse*, March 9, 2010
- [Takedown Hall of Shame Debuts at Electronic Frontier Foundation.](#), Rebecca Schoff, *Chilling Effects Clearinghouse*, November 5, 2009
- [BoingBoing brings a ray of sunshine to](#)

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# Exhibit 11

A Disk (Filed Separately)